

Washington, Thursday, November 13, 1947

## TITLE 3-THE PRESIDENT

**PROCLAMATION 2754** 

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: FRANCE

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLALIATION

WHEREAS by the act of Congress approyed July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid. act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of France registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that France accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States, and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is

hereby extended with respect to such registrations which expired after September 3, 1939, and before July 5, 1947, until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this
10th day of November in the year of
our Lord nineteen hundred and
[SEAL] forty-seven and of the Independence of the United States
of America the one hundred and seventysecond.

HARRY S. TRUMAN

By the President:

G. C. Marshall, Secretary of State.

[F. R. Doc. 47-10104; Filed, Nov. 12, 1947; 10:49 a. m.]

## PROCLAMATION 2755

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: THE NETHERLANDS

BY THE PRESIDENT OF THE UNITED STATES

OF AMERICA

### A PROCLAMIATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (16 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim

(Continued on p. 7383)

#### CONTENTS

#### THE PRESIDENT

***************************************	
Proclamations	Page
Extencion of time for renewing	
trade-mark registrations:	2004
France	7381 7381
216/11/21/21/21	1001
EXECUTIVE AGENCIES	
Agriculture Department	
See also Animal Industry Bureau;	
Forest Service; Rural Electrifi-	
cation Administration.	
Proposed rule making: Milk handling:	
New Orleans, I.a., area	7404
St. Joseph, Mo., area	7403
Omaha Union Stock Yards; pa-	
tition for modification	7404
Rice; national marketing quota,	<b>540</b>
1948–49 Rules and regulations:	7404
Oranges, grapefruit and tange-	
rines in Florida	7383
Alien Property, Office of	
Notices:	
Vesting orders, etc	
Emmerich, Francis	7409
Hauk, Joseph. et al	7403
Hess, Ludvig Raschig, Dr. F., G. m. h. H.,	7410
and Dow Chemical Co	7410
Reens, Wilhelmine	7411
Reens, Wilhelmine Sargent, Florence W	7403
Satake, Tokiko, et al	7411
Animal Industry Bureau	
Proposed rule making:	
Anti-hog cholera serum and	
hog-cholera virus; handling	7402
Army Department	
Rules and regulations:	
Navigation: miscelleneous	
amendments	7391
Civil Aeronautics Board	
Notices:	

Accident near Lakeview, Oreg.:

hearing \_\_\_\_\_

7405



Published daily, except Sundays, Mondays, Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President, Distribution is made only by the Superintendent of tion is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations,

which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The Federal Register will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL

REGISTER.

## 1946 SUPPLEMENT

to the

## CODE OF FEDERAL **REGULATIONS**

The following books are now available:

Book 1: Titles 1 through 8, including, in Title 3, Presidential, documents in full text with appropriate reference tables and ındex.

Book 2: Titles 9 through 20. Book 3: Titles 21 through 31. Book 4: Titles 32 through 37 Book 5: Titles 38 through 48.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at \$3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

## **CONTENTS—Continued**

Civil Service Commission	Page
Rules and regulations:	
Competitive service, exceptions;	
Department of Air Force	7383
Foreign and Domestic Com-	
merce Bureau	
Rules and regulations:	
Compliance procedure	7384
Delegations of authority; com-	
pliance	7389

## **CONTENTS**—Continued

Page

Forest Service Rules and regulations: Trespassing hogs; order for removal in Conecuh, De Soto,	Page
Bienville, Kisatchie, Angelina,	7395
Interstate Commerce Commis-	
Rules and regulations:  Car service; minimum reduced on coal in certain N. & W. cars	7401
Materials Distribution, Office of	
Rules and regulations: Compliance procedure Delegations of authority com-	7391
pliance	7391
National Park Service Rules and regulations: Shasta Lake Recreational Area_	7392
Rural Electrification Adminis-	
Rules and regulations:	7383
Securities and Exchange Commission	
Notices:	
Hearings, etc  Appalachian Electric Power Co. and American Gas and Electric Co	7407

#### 7406 Central Maine Power Co\_\_\_\_ Eastern Minnesota Power Corp. et al\_\_\_ 7405 Electric Power & Light Corp. and New Orleans Public 7408 Service, Inc.\_\_\_\_ , Public Service Co. of Indiana, 7406

Corp. and Standard Gas

7406

## and Electric Co\_\_\_\_\_ Veterans' Administration Rules and regulations:

Adjudication, veterans' claims,	
Central Office Section: miscel-	
laneous amendments	7395
Attorneys and agents, rules of	
practice: miscellaneous	
amendments	7401
Insurance: total disability in-	
come provisions	7399
Recognition of organizations,	
accredited representatives,	
attorneys, agents: rules of	
practice, fees (2 documents)	7200
practice, rees (2 documents).	7401

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 3—The President	Page
Chapter I—Proclamations:	7381
2755	7381
Chapter II—Executive orders:	
9830 1	7383
<sup>1</sup> See Title 5, Part 6.	

## CODIFICATION GUIDE—Con.

Title 5—Administrative Person-	Pago
nei Chapter I—Civil Service Commis-	
sion: Part 6—Exceptions from the	
competitive service	7383
Chapter IV—Rural Electrifica- tion Administration:	
Part 400—Organization, func-	7383
tions and procedures Title 7—Agriculture	1303
Chapter VII-Production and	
Marketing Administration (Agricultural Adjustment) Part 730—Rice (proposed)	7404
Chapter IX—Production and	1202
Marketing Administration (Marketing Agreements and	
Orders) Proposed rule making	7403
Part 933—Oranges, grapefruit, and tangerines grown in	
Florida Part 942—Milk in New Orleans,	7383
La., marketing area (proposed)	7404
Title 9—Animals and Animal	1202
Products Chapter I—Bureau of Animal In-	
dustry, Department of Agri- culture:	
Part 131—Handling of anti-hog cholera serum and hog-chol-	
era virus (proposed)	7402
Title 15—Commerce Chapter III—Bureau of Foreign	
and Domestic Commerce, De- partment of Commerce:	
Part 372—Compliance proce-	Hab4
dure Part 373—Delegations of au-	7384
thority	7389
Chapter IX—Office of Materials - Distribution, Bureau of For-	
eign and Domestic Commerce, Department of Commerce:	
Part 903—Delegations of au-	H004
thority Part 904—Procedures	7391 7391
Title 33—Navigation and Navigable Waters	
Chapter II—Corps of Engineers,	
Department of the Army Part 207—Navigation regula-	
tionsTitle 36—Parks and Forests	7391
Chapter I—National Park Service, Department of the Interior	
Part 36—Shasta Lake Recrea-	<b>#000</b>
tional Area regulations	7392
partment of Agriculture: Part 261—Trespass	7395
Title 38—Pensions, Bonuses,	
and Veterans' Relief Chapter I—Veterans Administra-	
tion: Part 4—Adjudication; veterans'	
claims, Central Office Section.	7395 7399
Part 10—Insurance————————————————————————————————————	. = - =

uments)\_\_\_\_\_ 7399, 7401

## CODIFICATION GUIDE-Con.

Title: 49—Transportation and Page Railroads

Chapter I—Interstate Commerce Commission:

Part 95—Car service\_\_\_\_\_ 7401

that with respect to trade-marks of nationals of the Netherlands registered in the United States Patent Office which have been subject to renewal on or after Setember 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that the Netherlands accords, substantially equal treatment in this respect to trademark proprietors who are citizens of the United States, and that accordingly the time within which compliance with conditions and formalities prescribed with

until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

respect to renewal of registrations under

section 12 of the aforesaid act of Febru-

ary 20, 1905, as amended, may take place

is hereby extended with respect to such

registrations which expired after Sep-

tember 3, 1939, and before June 30, 1947,

DONE at the City of Washington this 10th day of November in the year of our Lord mineteen hundred and [SEAL] forty-seven, and of the Inde-

pendence of the United States of America the one hundred and seventy-

second.
HARRY S. TRUMAN

By the President:

G. C. Marshall, Secretary of State.

[F. R. Doc. 47–10105; Filed, Nov. 12, 1947; 10:49 a. m.]

# TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I-Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order 9830 and at the request of the Secretary of the Air Force, the Commission has determined that the positions listed below should be excepted from the competitive service. Effective upon publication in the Federal Register, § 6.4 (a) is therefore amended by the addition of a new subparagraph (46).

§ 6.4 Lists of positions excepted from the competitive service—(a) Schedule A. \* \* \*

(46) Department of the Air Force.
(i) Two private secretaries or confiden-

tial assistants to the Secretary of the Air Force, one to the Under Secretary of the Air Force, and one to each Assistant Secretary of the Air Force.

(Sec, 6.1 (a), E. O. 9830, 12 F. R. 1259)

United States Civil Service Commission,
[SEAL] H. B. Mitchell,

President.

[F. R. Doc. 47–10034; Filed, Nov. 12, 1947; 8:50 a.m.]

### TITLE 6-AGRICULTURAL CREDIT

Chapter IV—Rural Electrification Administration, Department of Agriculture

PART 400—ORGANIZATION, FUNCTIONS AND PROCEDURES

DELEGATIONS OF PINAL AUTHORITY

Effective October 31, 1947, Part 400 of Title 6, issued September 11, 1946 (11 F. R. 177A-294 to 296, inclusive), is hereby amended as follows:

1. By deleting all of paragraph (i) of § 400.4 and substituting therefor a new paragraph (i) to read as follows:

§ 400.4 Delegations of final authority.

(i) Authority to perform the following act has been delegated to the Chief, Management Division and to the Assistant Chief, Management Division:

(1) To execute releases of liens upon motor vehicles, and all other documents or instruments relating to such liens or releases thereof, including, without limitation, notices that the United States of America has such liens upon such motor vehicles.

(R. S. 161, 5 U. S. C. 22, Pub. Law 404, 79th Cong., 60 Stat. 258)

Issued this 6th day of November 1947.

[SEAL] CLINTON P. AMDERSON, Secretary of Agriculture.

[F. R. Doc. 47-10039; Filed, Nov. 12, 1947; 8:52 a. m.]

## TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 933—ORANGES, GRAPLFRUIT, AND TANGERINES GROWN IN FLORIDA

LUSCELLANEOUS ALIENDMENTS

§ 933.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F R. 1159), a public hearing was held at Vero Beach, Florida, en May 12, 1947,

and at Lakeland, Florida, on May 14, 1947, upon proposed further amendments to the marketing agreement, as amended, and to Order No. 33, as amended (7 CFR, Supps., 933.1 et seq.), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida; and the decision (12 F. R. 5853) was made with respect to the amendments by the Acting Secretary on August 26, 1947. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of card order, as amended and as hereby further amended, will tend to effectuate the declared

policy of the act:

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges, gravefruit, and tangerines grown in the State of Florida in the same manner as the aforementioned marketing agreement, as amended and as further amended effective as of the same time as the further amendment of the said order, as amended; and the said order, as amended; and the said order, as amended and as hereby further amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(3) There are differences in the production and marketing of said fruit in the production area covered by the said marketing order, as amended and as hereby further amended, that make necessary different terms applicable to different parts of such area, and the terms and provisions hereof, so far as practicable, give due recognition to such differences.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesald order and the findings made in connection with the issuance of the previously issued amendment thereto; and all of said previous findings are hereby ratified and affirmed except insofar as

such findings may be in conflict with the findings set forth herein.

(b) Determinations. It is hereby determined that:

(1) The further amendment to the marketing agreement, as amended, regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, upon which the aforesaid hearing was also held, has been executed by handlers (excluding cooperative ascociations of producers who are not engaged in processing, distributing, or shipping the fruit covered by the said order, as heretofore and hereby amended) who, during the period August 1, 1946, to July 31, 1947, handled not less than 50 percent of the volume of oranges, not less than 50 percent of the volume of grapefruit, and not less than 50 percent of the volume of tangerines, covered by this order. as heretofore and hereby amended, grown in the State of Florida, marketed during said season in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce; and

(2) The issuance of this order, further amending the aforesaid order, as amended, is favored and approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1946, to July 31, 1947) were engaged in the production for market of oranges, grapefruit, or tangerines grown in the State of Florida.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of oranges, grapefruit, and tangerines grown in the State of Florida shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order, as amended, is hereby further amended as

1. Add to § 933.1 Definitions of the order the following new paragraphs:

(m) "Regulation Area I" shall include all that part of the State of Florida not included in Regulation Area II.

- (n) "Regulation Area II" shall include that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County: thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal). thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.
- 2. Delete the provisions in paragraph (b) (1) of § 933.4 Regulation by grades and sizes of the order and substitute therefor the following:
- (1) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety pursuant to this section, the said committee shall recommend the particular grades and sizes or either

thereof deemed by it advisable to be shipped, and any such recommendation may include a proposal that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the proposed grade and size limitation applicable to shipments of the same variety grown in Regulation. Area I. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (i) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (ii) amount on hand at the principal markets, as evidenced by supplies on track; (iii) maturity, conditions, and available supply, including the grade and size thereof in the producing areas; (iv) other pertinent market information; and (v) the level and trend in consumer income. The Shippers Advisory Committee shall promptly report the recommendations so made, with supporting information, to the Growers Administrative Committee, which committee shall, in turn, submit the same to the Secretary, together with its own recommendations and supporting information respecting the factors hereinbefore enumerated.

- 3. Delete the provisions in paragraph (c) of § 933.4 of the order and substitute therefor the following:
- (c) Regulation by the Secretary. Whenever the Secretary shall find from the recommendations and reports. of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods, and any such regulation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of Florida: Provided, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

Issued at Washington, D. C., this 7th day of November 1947 to be effective on and after 12:01 a. m., e. s. t., December 15, 1947.

CLINTON P. ANDERSON, [SEAL] « Secretary of Agriculture.

[F. R. Doc. 47-10054; Filed, Nov. 12, 1947; 8:49 a. m.l

## TITLE 15—COMMERCE

## Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Procedural Document 2]

PART 372-COMPLIANCE PROCEDURE OF OFFICE OF MATERIALS DISTRIBUTION 1

#### GENERAL MATTERS

Sec. Explanation.

Responsibility for compliance. 372.2

Investigations and inspections. 372.3 Initial action upon reported viola-372.4

#### OPPORTUNITY FOR ADJUSTMENT WITHOUT COMMISSIONERS' HEARING

372.5 Notice to respondent.

372.6 Consent orders.

372.7 Temporary suspension orders.

Referral to Compliance Commissioner.

#### COMMISSIONERS, HEARINGS AND REPORTS

372.9 Compliance Commissioners.

372.10 Hearings by Commissioners,

#### SUSPENSION ORDERS

872.11 Form and effect of suspension orders. 372.12 Effective dates of suspension orders stays.

#### APPEALS

372.13 Appeals.

SPECIAL HEARINGS AND INVESTIGATORY PROCEEDING

872.14 Special proceedings.

#### MISCELLANEOUS MATTERS

372.15 Subpoenas.

372.16 Inspection and copies of record.

Closing compliance cases.
Appearances. 372.17

372.18

Separation of functions. 372.19

Disqualification of Commissioner. Policies, standards and procedures 372.21 for compliance hearings and ap-

peals. 872.22 Criminal or civil proceedings not

affected by administrative proceedings.

372.23 Procedural Documents 5 and 6
(§§ 904.501 to 904.515, inclusive, and 904.601 to 904.604, inclusive, Chapter IX, Title 32) of Civilian Production Administration revoked and superseded.

AUTHORITY: §§ 372.1 to 372.23, inclusive, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Pub. Laws 270 and 475, 79th Cong., Pub. Laws 24, 29, 145, and 188, 80th Cong., E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F R. 10155; E. O. 9638, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2945; Matterials Control Reg. 1, May 2, 1947, 12 F. R. 2995, and Amendment 1, Sept. 19, 1947, 12 F. R. 6359, 6433; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996.

### GENERAL MATTERS

§ 372.1 Explanation. The sections in this part explain the general course and method by which the Office of Materials Distribution secures compliance with its orders, regulations and other administrative actions, including those of the Civilian Production Administration and War Production Board with

Formerly Office of Temporary Controls, Civilian Production Administration. Orders and regulations of the Office of Materials Distribution are printed in 32 CFR Chapter IX.

which it is still concerned, up to the point where particular cases are referred to the Department of Justice for civil or criminal proceedings in the courts. Such orders, regulations and administrative actions are hereafter referred to for convenence as "orders," except where the context indicates that a suspension order or consent order is referred to.

The explanatory matter below includes procedure within the Office of Materials Distribution; the handling of cases referred to the Compliance Commissioner for consideration under the authority delegated to him and Deputy Compliance Commissioners under Materials Control Regulation 2 (§ 373.1 of this chapter); the proceedings before such Commissioners, and administrative actions based thereon; and appeals from the decisions of the Commissioners.

§ 372.2 Responsibility for compliance. The Compliance Officer and the General Counsel of the Office of Materials Distribution are responsible for obtaining compliance with its orders. This includes authority for the handling of investigations and administrative proceedings, and recommendations and assistance to the Department of Justice for the prosecution of criminal and civil proceedings, arising out of violations of such orders.

§ 372.3 Investigations and inspections. The Compliance Officer has the primary responsibility within the OMD for authorizing and conducting investigations and surveys relating to compliance with orders. He has authority to inspect the books, records and other writings, premises or property of any person, and to make or cause to be made such investigations as may be necessary or appropriate in his discretion to the enforcement or administration of orders. The Compliance Officer in making inspections and investigations and in the preparation and presentation of cases before the Compliance Commissioners and to the courfs, may utilize the services of officials and staffs of Government departments or agencies assigned to compliance matters. Such inspections and investigations are made under authority of Federal statutes including Title III of the Second War Powers Act of 1942, as amended.

§ 372.4 Initial action upon reported molations. When any alleged or apparent violation is brought to the attention of the Compliance Officer, he determines whether to make a compliance investigation or compliance survey, or to close the case. If he determines that an investigation or survey should be made, he will proceed with it, or refer the case to an appropriate official for such purpose, as explained above. If the case is referred to another official, he will make the investigation or survey and submit his report and recommendations thereon to the Compliance Officer. Upon the information disclosed by the investigation or survey, the Compliance Officer determines whether it is appropriate to close the case, or to take further action. Such further action may consist of referring the case through the General Counsel to the Department of Justice for criminal prosecution or civil proceedings, or administrative action as explained below, or both.

OPPORTUNITY FOR ADJUSTMENT WITHOUT COMMISSIONER'S HEARING

§ 372.5 Notice to respondent. If the Compliance Officer and General Counsel consider administrative action to be appropriate rather than or in addition to, the institution of civil or criminal proceedings, the Compliance Officer customarily sends a letter or telegram to the person charged with the violation, who is referred to as the respondent. Such communication notifies the respondent that information has been received as to facts or conduct which may constitute a violation of an order by him and may warrant the institution of administrative proceedings before a Commissioner. It contains a summary statement of such facts or conduct, refers to the order, and affords the respondent an opportunity to demonstrate that he has met the requirements of the order or to adjust his operations to meet the past and future requirements of the order. This or any subsequent administrative proceedings will not, however, affect any criminal prosecution of the respondent for a violation, as explained in § 372.22.

§ 372.6 Consent orders. (a) Upon receipt of the notice referred to in § 372.5. if the respondent promptly requests an opportunity to present his case, which should be done by letter or telegram to the Compliance Officer, Office of the Materials Distribution, Department of Commerce, Washington 25, D. C., the Compliance Officer receives and considers such facts as may be presented. The respondent will ordinarily be permitted to present his facts in person, or through his attorney, to the Compliance Officer in Washington unless he wishes to submit a complete written statement by mail, either of which must be done promptly. He is entitled to be represented by counsel as explained in § 372.18. If the Compliance Officer is satisfied that there has been no violation or that the violation was not wilful or-substantial, he may close the case. If the respondent admits the violation, a consent order may be issued upon the respondent's agreement and with the approval of the Compliance Officer and General Counsel.

(b) Consent orders customarily have the same effect as suspension orders, which are explained in § 372.11 (c) In cases where a quota has been exceeded, a quota adjustment may be made by the issuance of a consent order reducing the respondent's future quota by the amount of the excess. If the Compliance Officer finds that the quota was not substantially exceeded, he may order it to be adjusted with the agreement of the respondent without the issuance of a formal consent order. Consent orders become effective upon issuance.

(c) Appearance in response to the notice described in § 372.5 is purely voluntary, and no person is under any compulsion to appear, or to make any reply or showing, or to agree to any consent order or adjustment. No person should agree to any consent order or adjustment unless he thoroughly understands the order or adjustment, and wishes to

agree to it of his own free will. The Compliance Officer will not approve the issuance of a consent order or the making of an informal adjustment unless he is satisfied that the respondent understands it and agrees to it.

§ 372.7 Temporary suspension orders. Whenever the Compliance Officer considers that time, the nature and effect of an apparent violation, and the public interest so requires, he may with approval of the General Counsel direct the issuance of a temporary suspension order without notice to respondent where (a) there has been a violation which was clearly wilful; or (b) the public interest so requires; or (c) in other cases, but only after the respondent has been given an opportunity to present his case in the manner described in §§ 372.5 and 372.6. In all cases, however, the respondent is adviced of the charges against him and a hearing before a Commissioner is held as soon as practicable after the issuance of a temporary suspension order and in any event before such order is made permanent unless the respondent waives the hearing or consents to the action taken.

§ 372.8 Referral to Compliance Commissioner. If the respondent does not request an opportunity to present his care, or presents it and falls to demonstrate that there was no violation and does not agree to the issuance of a consent order, the Compliance Officer may then refer the case to the Compliance Commissioner.

COMMUSSIONERS, HEADINGS AND REPORTS

§ 372.9 Compliance Commissioners. The Compliance Commissioner for the Office of Materials Distribution is appointed by the Secretary of Commerce. He may select and designate Deputy Compliance Commissioners to assist him with his responsibilities. The Compliance Commissioner and Deputy Commissioners are responsible to the Secretary of Commerce, and not to the Director of the Office of Materials Distribution.

(a) The Compliance Commissioner and Deputy Commissioners hear and consider charges of violation of orders referred to him by the Compliance Officer. They have authority to administer oaths and affirmations and to require by subpena issued by them in the name of the Secretary of Commerce, the attendance of witnesses and the production of books, records or other documents or physical evidence determined by them to be relevant. Materials Control Regulation 2 delegates authority to the Compliance Commissioner and to Daputy Commissioners, and defines generally their duties and how proceedings are conducted.

(b) All hearings are continued.

(b) All hearings are customarily held in Washington, D. C., in a room assigned for that purpose by the Department of Commerce, with a Compliance Commissioner presiding. The holding of hearings at other places will ordinarily not be possible due primarily to budgetary and personnel limitations, and no respondent is entitled to insist upon a hearing outside of Washington. In exceptional cases, where a respondent within five days after receipt of notice of a hearing notifies the Compliance Officer by letter or telegram that he wishes to ap-

pear and offer evidence, that he or one or more of his material witnesses reside and are employed more than 100 miles from Washington and it is not practicable for them to be present there, and that he requests the hearing to be held at a more convenient place, the Compliance Officer may, if he finds it feasible to do so under the limitations referred to in this paragraph, request the Compliance Commissioner to designate a Deputy Commissioner to hear the case, or to hear it himself, at some place more convenient for the respondent. If such arrangements are made, the respondent will be notified of the time and place of the hearing; and if not, he will be notified of the time and place of the hearing in Washington.

The following description of the proceedings at hearings is applicable whether the hearing is held before the Compliance Commissioner or a Deputy Commissioner designated by him; and the presiding officer is referred to as the Com-

missioner, for brevity.

§ 372.10 Hearings by Commissioners-(a) Charging letters. Prior to a hearing by a Commissioner, the Compliance Officer arranges for timely and adequate notice to the respondent of the time, place and nature of the hearing and the legal authority and jurisdiction under which it is to be held. This notice, which is referred to as a charging letter, is sent usually 15 days in advance of the date initially set for the hearing, and includes a summary statement of the charges and of the alleged facts or conduct on which the charges are based. Also, the Compliance Officer sees that notice of the hearing is - given to the official who investigated the

(b) Procedure; hearing powers; evidence; and reports. (1) Hearings by Commissioners are designed to afford as close an approximation to judicial proceedings as is possible under the circumstances, and to bring forth all facts and circumstances relevant to the charges which have been made; and if violations are found, to indicate what administrative action would be advisable and how violations may be prevented in the future. Formal pleadings are not required. The Commissioners afford respondents and the Compliance Officer opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the procedure and the public interest permit. Attendance at such a hearing by the respondent is purely voluntary, and he is not required to appear or offer evidence; if he does not choose to appear the proceeding will go forward without him.

(2) The respondent is entitled to be represented by counsel, as explained in § 372.18. If he wishes to offer evidence, his position should be supported by persons thoroughly familiar with his operations and the controls he has established to comply with orders, including such persons as are necessary to present his evidence or explanation of the charges. If his records or reports are to be offered in support of his defense or explanation, the person offering such records or reports should be familiar with their prep-

aration and factual background. An original and two copies of any explanatory statement and an original and one copy of every other document to be offered for the Commissioner's consideration should be submitted at the hearing.

(3) The Compliance Officer is represented by attorneys and such investigators, analysts, or other witnesses as are necessary to present the case against the respondent.

(4) The Commissioner presides at the hearing. He will customarily state at the outset the purpose of the hearing. the procedure to be followed, and the types of findings and recommendations he may make. He will advise the respondent that the wilful violation of an order, or the wilful concealment of a material fact or making of a false or fraudulent statement or representation knowingly, are criminal offenses, pointing out the statutory penalties therefor; he will explain that the respondent is entitled to his constitutional and statutory privileges against self-incrimination, and is under no compulsion to make any statements or to offer any explanation. A copy of the charging letter will be shown to the respondent if he appears, and will be identified and marked as an exhibit. The Commissioner may administer oaths and affirmations; however, witnesses are not placed under oath or affirmation unless the Commissioner deems this advisable. He may also rule upon offers of proof and will receive relevant evidence. He may regulate the course of the hearings, dispose of procedural requests or similar matters, and by consent of the parties may hold conferences for the settlement or simplification of the issues although he does not adjust cases.

(5) At the beginning of each hearing, the Commissioner will attempt to determine what facts, if any, are in issue. The Compliance Officer has the burden of proof. Compliance Commissioners do not consider arguments against the policy which the order is designed to effectuate.

(i) If the respondent appears and admits the facts which constituted the violation charged, the Commissioner will request the respondent to present whatever explanation or defense he has to offer respecting the charges. This should be restricted to matters which may excuse or explain the violation. The respondent should proceed with any explanation or excuses he may wish to offer, including testimony or exhibits.

(ii) On the other hand, if the respondent does not appear, or appears and does not admit all of the charges, the Compliance Officer will be called upon to produce proof of all charges not admitted, and may offer evidence in support of the charges. The respondent is then permitted an opportunity to cross-examine and offer contrary evi-

dence or explanations.

(iii) Each party is afforded opportunity to present his case or defense by oral or documentary evidence, and to conduct such cross-examination as may be required for a full disclosure of the facts. Examination of witnesses on behalf of the Compliance Officer will customarily be conducted by his attorney.

The Commissioner himself may also examine or cross-examine any witness.

(6) Any oral or documentary evidence relevant and material to the issues may be admitted; but irrelevant, immaterial and unduly repetitious evidence will be excluded, in order to keep the record as clear and concise as possible. The Commissioner will endeavor to ascertain such details of the respondent's operations as will be helpful to him in his consideration and action upon the case. He may also call upon expert witnesses during the course of the hearing.

(7) After the conclusion of 'evidence, the Compliance Officer and respondent will each be given an opportunity to present oral arguments. Prior to this, all argumentative statements or explanations will customarily be excluded. At the close of the hearing, or within five days therafter if request has been made at the hearing, each of the parties may submit to the Commissioner for his consideration, proposed findings and conclusions with supporting reasons therefor, although this is not required. If such material is submitted, the record will

show the Commissioner's rulings thereon. (8) The Commissioner will proceed with all reasonable dispatch to conclude the case before him by filing a report with the Compliance Officer of OMD. The report will contain a statement of the facts found by him to be relevant to the violations charged, together with his conclusions: (i) As to whether or not the facts constituted a violation of any order, or a false or fraudulent statement or representation or concealment of a fact which is relevant and material to the administration or enforcement of an order, in violation of section 35 (a), of the U.S. Criminal Code, as charged; (ii) if so, whether or not the violation was wilful or the result of gross negligence. Such findings and conclusions will be based only upon reliable, probative and substantial evidence, except when admitted by the respondent. The report will also include a recommendation for administrative action or other disposition of the case. Where considered appropriate by the Commissioner, the report will be accompanied by a recommendation for referral of the case to the Department of Justice for criminal or civil proceedings. The Commissioner's report directs the closing of the case if he finds that the facts do not constitute either a wilful violation or misrepresentation, or a violation or misrepresentation caused by gross negligence of the respondent, or an unauthorized acquisition, delivery, possession, consumption, use or disposition of materials or facilities subject to OMD orders. If the Commissioner directs the closing of the case, the Compliance Officer has 10 days from the filing of the Commissioner's report within which to appeal. If the Compliance Officer does not appeal, he notifies the respondent that the case has been closed.

(9) The testimony and oral statements at the hearing are recorded and transcribed by an official court or other competent stenographer. The stenographer will attach to the transcript and sign a certificate that it and any accompanying exhibits are a complete tran-

script of the testimony taken and statements made at the hearing, except such matter as was stated by the Commissioner to be "off the record," and that they include all written exhibits. The transcript and other documents constituting the record are certified to the Compliance Officer of the Office of Materials Distribution by the Compliance Commissioner with his report.

(10) At any time after a hearing and before the issuance of a suspension order, the Commissioner who held the hearing may reopen the case for a rehearing and the admission of additional evidence, upon application made to him in writing by the respondent or by the Compliance Officer. The application must contain a condensed statement of such evidence, show that it is material, and explain why it could not be or was not introduced at the hearing.

Rehearings will not customarily be granted by a Commissioner unless it is shown that the existence of the evidence was not known to the applicant at the time of the hearing or that it could not be obtained at that time by subpoena or otherwise. If the case is reopened, the Commissioner will give prompt advice of the time, place and nature of the hearing to the respondent by registered mail and to the Compliance Officer. After a suspension order has been issued, a case may be reopened only on an appeal, as explained in § 372.13.

(11) The report of a Commissioner as to the facts found by him upon a hearing is binding upon the respondent and upon the Compliance Officer for the purpose of the administrative compliance proceedings, except on appeals as explained in § 372.13.

(12) Hearings, before Commissioners are not open to the public or the press. The transcript, exhibits and report and recommendations of the Commissioner and copies thereof will not be furnished or made available for inspection to members of the public not parties to the hearing or to their representatives. Copies will be made available to respondents, or witnesses, to the extent explained in § 372.16.

#### SUSPENSION ORDERS

§ 372.11 Form and effect of suspension orders. (a) When a Commissioner recommends the taking of administrative action, his recommendations are incorporated in a proposed suspension order and submitted to the Compliance Officer. Upon approval by the Compliance Officer and the General Counsel, the order is issued in the name of the Office of Materials Distribution.

(b) The Compliance Officer and the General Counsel may also review the report and jointly direct the issuance of a suspension order differing from that recommended by a Commissioner but only in that the terms of the suspension or the restrictions imposed are less severe. They may not prescribe a more restrictive order than has been recommended, although an appeal may be taken by the Compliance Officer as explained in § 372.13.

(c) Suspension orders may withdraw or withhold priorities and allocations assistance from a respondent, restrict him in the acquisition, production, uce or disposition of materials and facilities subject to OMD orders or items containing such materials, or otherwise restrict him so as to assure future compliance. Suspension orders are not ordinarily issued unless the Commissioner finds that the violations were wilful or caused by gross negligence, but where the suspension order is designed to effect a readjustment in cases where the respondent has exceeded his allowable quota or allocation of receipts, use, production or delivery of materials, or to reduce an excessive inventory, or to put a stop to violations, no finding of wilfuliness or gross negligence is required.

(d) The Compliance Officer may at any time, with the approval of the General Counsel, direct the issuance of specific exceptions or authorizations under suspension or consent orders.

§ 372.12 Effective dates of suspension orders; stays. (a) Suspension orders take effect at the end of five days after publication in the FEDERAL REGISTER. A copy of the suspension order is also served on the respondent by registered mail or personally. However, if an application for a stay of a suspension order is made in writing to the Compliance Officer, Office of Materials Distribution, Department of Commerce, Washington 25, D. C., within such five day period, the suspension order is further stayed automatically until the expiration of five days after service of an order denying the stay. If an application for a stay is made after such five day period has expired and the suspension order has taken effect, the suspension order is not automatically stayed.

(b) Any application for a stay will be referred immediately to the Compliance Commissioner, who, in his discretion, and upon a showing of irreparable harm if the order is not stayed, may direct the issuance of an order staying the suspansion order on such conditions, if any, as he may deem proper for assuring continuing compliance with orders by the respondent. Such applications will not be favorably considered by the Compliance Commissioner unless the respondent has also appealed from the suspension order, or has indicated his intention to do so and demonstrated the need for additional time in which to prepare and present his appeal, or has demonstrated the need for additional time in which to conform his operations to the requirements of the suspension order.

(c) If the Compliance Commissioner decides that the suspension order should not be stayed, he will direct the issuance of an order denying the stay. The respondent will be notified of the denial.

(d) The Compliance Officer may himself direct the issuance of an order staying a temporary suspension order.

(e) All suspension orders and all orders staying suspension orders will be issued in the name of the Office of Materials Distribution.

(f) Suspension orders, and orders staying suspension orders, are published in the Federal Register. Orders denying stays are merely served on the respondent by registered mail or as otherwise provided by law. Consent orders

are also published in the Federal Register. All such published orders are customarily accompanied by a press release.

#### APPEALS

§ 372.13 Appeals. (a) After a Commissioner has concluded a hearing and made his report, appeals may be taken as explained below, and will be considered by the Chairman of the Appeals and Review Staff. The Appeals and Review Staff is headed by the Director of the Office of Materials Distribution, or a deputy designated by him, who acts as Chairman. He reviews and decides, with the assistance and advice of two or more members of the Director's staff, all appeals from suspension or consent orders taken by respondents and all appeals from recommendations of Commissioners taken by the Compliance Officer. Appeals may be made as follows:

(1) By respondents. Any person against whom a suspension or consent order has been issued may appeal for relief from any or all of the provisions of the order. The appeal must be made in writing; and if from a suspension order, be submitted within thirty days from the date of issuance of the order. However, the Chairman of the Appeals and Review Staff may in his discretion permit the filling of an appeal at any time during the effective period of a suspension order.

(2) By Compliance Officer. The Compliance Officer may appeal from an order by a Commissioner directing the closing of a case or from his recommendation for administrative action. The appeal must be made in writing and he submitted within 10 days of the time of the filing of the report of the Commissioner. However, the Chairman of the Appeals and Review Staff may in his discretion extend the time for filing an appeal.

(b) Proceedings on appeals. (1) The party appealing, who is referred to as the appealant, will file a signed original and three copies of the appeal with the Chairman of the Appeals and Review Staff, Office of Materials Distribution, Department of Commerce, Washington 25, D. C. The Chairman will transmit one copy to the other party who is referred to as the appellee.

(2) The appeal must set forth the points relied upon by the appellant, together with supporting arguments. The appeal from a suspension order may include exceptions to the Commissioner's report, or proposed different findings and conclusions, with supporting reasons. A respondent's appeal may also set forth the effect of the suspension or consent order upon the respondent's operations and any unforesesable conditions which may have developed since its issuance and justify its mitigation. The Chairman will not consider arguments against the policy effectuated by the order or regulation charged to have been violated.

(3) Within 15 days after his receipt of a copy of an appeal, the appellee may file with the Chairman a signed original and three copies of an answer to the appeal. The Chairman will transmit one copy to the appellant. Within 5 days after receipt of a copy of an answer, the

appellant may file with the Chairman a signed original and three copies of a reply. The Chairman may in his discretion require the filing of an answer or reply within a shorter period of time, or may extend the time for filing an answer or reply.

(4) The Chairman may in his discretion, after the filing of an appeal (and answer and reply, if any), permit the appellant to appear before him and make an oral presentation of the appeal. The appellee will be notified of any such hearing and he or his representatives may attend and be heard.

(5) After a review of the record of the case in the light of the appeal, and any answer and reply, the Chairman of the Appeals and Review Staff will either deny or grant the appeal, in whole or in part, and his decision thereon is final. On appeal by a respondent from a suspension order, the Chairman may review the facts and make new findings of fact, although he will give due regard to the opportunity of the Commissioner to judge the credibility of witnesses and not set aside any findings of fact unless clearly erroneous. On any appeal by either party, he may direct the closing of the case, or a modification of the suspension or consent order which was recommended for issuance by the Commissioner, including, after notice to the Compliance Officer and the General Counsel, an increase in the restrictions or the period they remain in effect. The decision of the Chairman will be followed by the issuance of such order, or the modification or revocation of the existing order, as may be required to carry out his decision. A copy of his opinion will be furnished the respondent through the Compliance Officer when a suspension or consent order is continued in effect, or when it is revoked if so directed by the Chairman.

(c) The Chairman may also at any time, after notice to the General Counsel, revoke any suspension order, or modify it by diminishing the period of suspension or the restrictions imposed, even though no appeal from the order has been taken by the respondent.

(d) Upon an appeal, the Chairman may direct the reopening of the case before a Commissioner for the purpose of admitting additional evidence or rehearing by the Commissioner, and the submission of a further report on the case. After such rehearing, the Commissioner may amend any previous findings of fact, conclusions or recommendations previously made in the case by a Commissioner, or make new ones, and may recommend that the suspension or consent order be continued in force, modified, or revoked, and will incorporate these in his This report will be filed with the Chairman for consideration in his determination on the appeal. Rehearings will customarily be granted only under the conditions described § 372,10 (b) (10)

## SPECIAL HEARINGS AND INVESTIGATORY PROCEEDINGS

§ 372.14 Special proceedings. Proceedings before a Commissioner may also be held in connection with investigations

of alleged violations, even though no formal charge has been made. Such hearings will not be held, however, for the purpose of permitting any party to conduct "fishing expeditions."

(a) Special hearings at request of respondent. A special hearing may be held at the request of any person against whom any of the following actions has been taken:

(1) When a letter or telegram has been sent to him by the Compliance Officer directing him to discontinue certain action alleged to be contrary to an order, and he waives the issuance of a charging letter and demands an immediate hearing before a Commissioner; or

(2) When a temporary suspension order has been issued against him by the OMD and he waives the issuance of a charging letter and demands an immediate hearing before a Commissioner; or

(3) When a referral has been made on behalf of OMD to a United States Attorney for criminal prosecution, and the prospective defendant requests a hearing before a Commissioner and is willing to waive immunity but only if the holding of the hearing is approved by the General Counsel of OMD and the United States Attorney in charge of the case.

Application for a special hearing should be made in writing to the Compliance Commissioner, Office of Materials Distribution, Department of Commerce, Washington 25, D. C. and should-explain briefly why such a hearing should be held. He will advise the applicant whether or not such a hearing will be granted; and if the hearing is granted, the respondent and the OMD will be notified of the time, place and nature of the hearing. The charges of violation to be heard, or other issues to be determined, will be clearly and concisely stated in writing at the hearing, either by formal stipulation or in the form of a charging letter so that the respondent and the OMD will be clearly informed of the nature and scope of the hearing and so that these matters will appear in the record.

(b) Investigatory proceedings. In order to secure information which investigators have been unable to obtain, an investigatory proceeding may be held at the request of the Compliance Officer for the purpose of obtaining any information, verifying any report required, or making any investigation which may be found necessary or appropriate to the enforcement or administration of any order.

(c) Procedure. The procedure in such cases will in general follow that explained in § 372.10, to the extent applicable, but in an investigatory proceeding held at the request of the Compliance Officer, no findings of fact, conclusions or recommendations will be made by the Commissioner.

#### MISCELLANEOUS MATTERS

§ 372.15 Subpoenas, (a) In any hearing before a Commissioner at which the respondent has voluntarily appeared and upon his request, and at any investigatory proceeding upon the request of the Compliance Officer or the respondent, the Commissioner may require by sub-

poena issued by him in the name of the Secretary of Commerce the attendance of witnesses and the production of books, records or other documentary or physical evidence determined by the Commisioner to be of general relevance and reasonable scope and otherwise properly obtainable by subpoena.

Such subpoenas will be returnable before a Commissioner. If prior to the return date specified in the subpoena, the person against whom the subpoena is issued furnishes the Commissioner or the party at whose request it is issued, a true and certified copy of the books, records or other documentary evidence called for by the subpoena, or enters into a stipulation with him as to the information contained therein, then the production of such books, records and other evidence will not be required at any place other than the place where the person against whom the subpoena is issued resides or transacts business.

(b) No person (individual, corporate or otherwise) is excused from attending and testifying or from producing books. records or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. However, wilful violations of orders are criminal offenses, punishable by imprisonment or fine under the Second War Powers Act, 1942, as amended; and the wilful concealment of any material fact or making of, or causing to be made, any false or fraudulent statement knowingly in any matter within the jurisdiction of any department or agency of the United States are criminal offenses punishable by imprisonment or fine under section 35 (a) of the United States Criminal Code, and individual witnesses at any of the hearings and other pro-ceedings described in this document are entitled to their constitutional and statutory privileges against self-incrimination. No individual is subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled by any such subpoena to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimmation, except that any such individual so testifying is not exempt from prosecution and punishment for perjury committed in so testifying.

(c) Witnesses are entitled to the same fees and mileage that are paid witnesses in the courts of the United States, such fees to be paid by the party at whose instance the testimony is taken. Respondent should tender to his witnesses the fees for one day's attendance and the mileage allowed by law when subpoens are served on them.

§ 372.16 Inspection and copies of record—(a) In investigatory proceedings. In investigatory proceedings held at the request of the Compliance Officer as described in § 372.14 (b) a witness will customarily be permitted an inspection of the official transcript of his testimony.

(b) In hearings. In all hearings, Commissioners will furnish or have furnished to any person compelled to submit data or evidence, a copy of such data or a copy of the transcript of such evidence upon payment of lawfully prescribed costs; or if such person has a copy of such data or a transcript of such evidence, the Commissioner will permit him to retain the same. The respondent may obtain a copy of the transcript at his own expense.

(c) Commissioners' reports. A copy of the report made by the Commissioner, referred to in § 372.10, will be furnished to the respondent by the Compliance Officer upon the issuance of a suspension order, and may be sent him at the direction of the Commissioner if he closes the case; and after an appeal decided adversely to the respondent, a copy of the opinion will be sent respondent, as ex-

plained in § 372.13 (b)

(d) Transcript. For the purpose of any appeal from, review or proceeding for the enforcement of a suspension order, the transcript and exhibits and Commissioner's report, and if an appeal is taken, the opinion of the Chairman of the Appeals and Review Staff, together with all papers and requests filed by either party at any stage in the proceedings, shall be parts of the record; and a suspension order will not be based upon extraneous matter

§ 372.17 Closing compliance cases. Compliance cases are closed as follows:

(a) Prior to a hearing before a Commissioner a case may be closed, or a warning letter may be issued to the respondent, or a consent order may be issued.

(b) After a hearing has been held in a case before a Commissioner, the case may be closed only by the direction or with the consent of the Commissioner, unless an appeal is taken to the Chairman of the Appeals and Review Staff.

(c) After a case has been considered on appeal by the Chairman of the Appeals and Review Staff, the case may be closed or the terms of the suspension order modified only at his direction.

§ 372.18 Appearances. (a) A respondent may not be represented before the Compliance Officer, any Compliance Commissioner, or the Chairman of the Appeals and Review Staff, by any person who:

(1) Is or has been at any time associated with the specific matter involved as an officer or employee of the Department of Commerce or the Civilian Production Administration; or

(2) Has been, within one year, an officer or employee of the Department of Commerce or Civilian Production

Administration.

(b) Subject to the foregoing, any person compelled to appear in person, or appearing voluntarily, will be afforded the right to be accompanied, represented and advised by counsel, or by any other qualified representative, although this is not required.

§ 372.19 Separation of functions. In the performance of their functions described in this document, the Compliance Commissioner and Deputy Commissioners are responsible to the Secretary of Commerce, and not to the Director of the

Office of Materials Distribution, and are not subject to the supervision or direction of the latter, or of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Office of Materials Distribution. The Compliance Commissioner and the Deputy Compliance Commissioners do not consult either the respondent or the Compliance Officer on any fact in issue at their hearings, unless upon notice and opportunity for both parties to attend and participate. Neither the Compliance Officer nor his subordinates will participate or advise in any decision as to the facts or conclusions as to any fact in issue, either upon issues as to whether or not there was a violation, or whether or not a violation was wilful or the result of gross negligence, made by the Compliance Commissioner or Deputy Commissioners, or by the Chairman of the Appeals and Review Staff, upon an appeal.

§ 372.20 Disqualification of Commissioner. Any Commissioner may at any time withdraw if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of a Commissioner, the Compliance Commissioner will determine the matter as a part of the record and decision in the case.

§ 372.21 Policies, standards and procedures for compliance hearings and appeals. The Solicitor of the Department of Commerce has approved general policies, standards and procedures to be followed by the Compliance Commissioner and by Deputy Commissioners, as well as rules and procedures for the faking and disposition of appeals, and for the application for stays. An explanation of such general policies, standards, procedures and rules is included above in conjunction with the explanation of other compliance matters covered by the regulations in this part.

§ 372.22 Criminal or civil proceedings not affected by administrative proceedings. The issuance, non-issuance, modification, stay or revocation of a suspension or consent order, or recommendations of such actions by the Compliance Commissioner, or a Deputy Commissioner, does not preclude or affect the referral of the case to the Department of Justice for the institution of criminal or civil proceedings.

§ 372.23 Procedural Documents 5 and 6 (§§ 904.501 to 904.515, inclusive, and 904.601 to 904.604, inclusive, Chapter IX, Title 32) of Civilian Production Administration revoked and superseded. Procedural Documents 5 and 6 issued by the Civilian Production Administration are revoked and superseded by this document.

Issued this 7th day of November 1947.

OFFICE OF MATERIALS
DISTRIBUTION,
By RAYMOND S. HOOVER,
ISSUANCE Officer.

[F. R. Doc. 47–10043; Filed, Nov. 12, 1947; 8:51 a. m.] [Materials Control Reg. 2, as Amended November 7, 1947]

PART 373—OFFICE OF MATERIALS DISTRIBUTION, DELEGATION OF AUTHORITY

#### COMPLIANCE

Title 32, National Defense, Chapter IX, Department of Commerce, Part \$93 Delegations of Authority, Compliance, \$ \$03.10, Materials Control Regulation 2, June 18, 1947, is hereby incorporated into the within document and amended to read as follows:

§ 373.1 Materials Control Regulation -(a) Explanation. Pursuant to Department Order 76, as amended, there has been established in the Office of the Secretary of Commerce the position of Compliance Commissioner for the Office of Materials Distribution. This section provides for the performance of certain functions by the Compliance Commissioner and by Deputy Compliance Commissioners to assure compliance with orders, regulations and other administrative actions of the Office of Materials Distribution, including these of the War Production Board and the Civilian Production Administration, the responsibility for which has been transferred to the Director of the Office of Materials Distribution. This section also provides for the taking and disposition of appeals from suspension orders issued after a hearing before a Compliance Commissioner, or from consent orders; and for the establishment of more detailed policles, standards and procedures for the conduct of hearings and such other matters.

(b) Deputy compliance commissioners. The Compliance Commissioner is hereby authorized to select and to designate Deputy Compliance Commissioners to assist in performing the functions described in paragraph (c) of this section in respect to cases referred to the Compliance Commissioner by the Office of Materials Distribution.

(c) Delegation of functions to commissioners. The Compliance Commissioner and any Deputy Compliance Commissioners designated pursuant to paragraph (b) of this section are hereby authorized:

 To consider all charges of violation of orders, regulations and other administrative actions referred to them;

(2) To preside at hearings held for this purpose: to administer caths and affirmations; to hold conferences for the settlement or simplification of the issues by consent of the parties, although not to adjust cases; to dispose of procedural requests or similar matters; to rule upon offers of proof and receive relevant evidence; to determine the facts; and to recommend appropriate administrative action including the issuance of suspension orders in proper cases; and to recommend referral of cases to the Department of Justice for criminal or civil proceedings whenever the Commissioner holding the hearing considers such referral to be appropriate;

<sup>&</sup>lt;sup>2</sup>Formerly Office of Temporary Controls, Civilian Production Administration. Orders and regulations of the Office of Materials Distribution are printed in 32 CFR Chapter IX.

(3) To preside at hearings and investigatory proceedings held in connection with investigations of alleged violations even though no formal charge has been

(4) For the purpose of obtaining any information, verifying any report required, or making any investigations concerning the violation of any order, regulation, or other administrative action, to administer oaths and affirmations and to require by subpoena issued in the name of the Secretary of Commerce by a Commissioner, the attendance of witnesses and the production of books, records, or other documentary or physical evidence determined by the Commissioner to be relevant:

(i) Subpoenas issued pursuant to this subparagraph shall be returnable before a Commissioner. If prior to the return date specified in the subpoena, the person against whom the subpoena is issued furnishes the Commissioner, or the person upon whose request the subpoena was issued, with a true and certified copy of the books, records, or other documentary evidence called for by the subpoena, or enters into a stipulation with him as to the information contained in such books, records, or other documentary evidence, then the production of such evidence shall not be required at any place other than the place where the person against whom the subpoena is issued resides or transacts business:

(ii) Such subpoenas may be issued upon the request of any party to a proceeding before him and on a showing by such party that the evidence sought is of general relevance and reasonable scope, and is properly obtainable by

subpoena:

(5) Commissioners are further authorized and required to furnish or have furnished to any person compelled to submit data or evidence, a copy of such data or a copy of the transcript of evidence upon payment of lawfully prescribed costs; or if such person has a copy of such data, or a transcript of such evidence, to permit him to retain the same;
(6) The reports of the Commissioners

as to the facts found shall be binding upon the respondent and the Office of Materials Distribution for the purpose of administrative compliance proceedings. On appeal by the respondent, however, the facts may be reviewed and new findings of fact made, in the manner and to the extent described in paragraph (e)

of this section.

(d) Proceedings before Commissioners-(1) Notice to respondent. The hearing before the Compliance Commissioner or a Deputy Compliance Commissioner on charges of violation shall be held after reasonable notice to the person charged with the violation, who is referred to herein as the respondent, of the time, place and nature thereof, the legal authority and jurisdiction under which the hearing is to be held, and a summary statement of the charges and of the alleged facts, or conduct on which the charges are based.

(2) Conduct of hearings. Hearings will be conducted in an impartial manner. The Commissioner shall afford the respondent and the Compliance Officer of OMD reasonable opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the procedure and the public interest permit. The burden of proof to establish the violation complained of shall be upon the Compliance Officer. The Commissioner shall not consider arguments against the policy effectuated by the order or regulation charged to have been violated. Each party shall be afforded opportunity to present his case by oral or documentary evidence and to conduct such cross-examination as may be required for a full disclosure of the facts. The Commissioner himself may also examine or cross-examine any witness. Any oral or documentary evidence relevant and material to the issues may be admitted; but irrelevant, immaterial and unduly repetitious evidence will be excluded. At the conclusion of evidence, both parties shall be given an opportunity to present oral arguments. At the close of the hearing, or within five days thereafter if request is made at the hearing, each of the parties will be permitted to submit proposed findings and conclusions with supporting reasons, although this shall not be required.

(3) Report of findings and recommended action. The Commissioner shall proceed with all reasonable dispatch to conclude the case before him, by making findings of fact relevant to the violations charged, together with his conclusions (i) as to whether or not the facts found constituted, as charged, a violation of any order, regulation or other administrative action of the Office of Materials Distribution or of the Director thereof, or a false or fraudulent statement or representation or concealment of a fact relevant and material to the administration or enforcement of any such administrative action, in violation of section 35 (a) of the U.S. Criminal Code; (ii) if so, whether or not the violation was wilful, or the result of gross negligence. Any such findings and conclusions adverse to the respondent must be supported by and in accordance with reliable, probative and substantial evidence, except as to any matters which may be admitted by the respondent. The Commissioner's findings and conclusions shall be stated in a written report which he shall file with the Compliance Officer of the OMD. The report shall include a recommendation for administrative action or other disposition Where the Commissioner of the case. considers it appropriate for the case to be referred to the Department of Justice for criminal or civil proceedings, with or without further administrative proceedings, his report shall be accompanied by a separate recommendation for such referral. The Commissioner shall direct the closing of the case if he finds that the facts do not constitute as charged (i) either a wilful violation or misrepresentation or (ii) a violation or misrepresentation caused by gross negligence or (iii) an unauthorized acquisition, delivery, consumption, use or disposition of materials or facilities subject to OMD orders or regulations. If an appeal from such a direction to close is not taken by the Compliance Officer of the OMD within 10 days after the filing of the Commissioner's report with the OMD, the case shall be closed as to the administrative proceedings, and the Compliance Officer will so notify the respondent.

(4) The testimony and oral statements at the hearing shall be recorded, transcribed and certified by a competent stenographer. This transcript with any exhibits introduced and other papers and requests filed in the proceedings before the Commissioner, shall constitute the record for decision, and shall be certified by the Commissioner and forwarded with his report to the Compliance Officer of

the OMD.

(e) Appeals. (1) Any person against whom a suspension or consent order has been issued by the Office of Materials Distribution may appeal from any or all of the provisions of such order, subject to the rules prescribed for the taking of appeals. The Compliance Officer of OMD may also appeal from a Commissioner's recommendation for administrative action or from his direction for the closing of a case, in accordance with such rules. All such appeals shall be considered and determined by the Chairman of the Appeals and Review Staff of OMD, with the advice and assistance of other members of such staff. The Chairman of such staff shall be the Director of OMD, or a Deputy designated by him for such purpose, and the other members of the Appeals and Review Staff shall be two members of the Director's staff designated by the Chairman.

(2) All appeals shall be taken in accordance with rules and procedures, not inconsistent with this section, to be approved by the Solicitor of the Department of Commerce before publication in the Federal Register, in accordance with paragraph (f) (2) of this section.

(3) Oral arguments upon appeal may, in the discretion of the Chairman, be heard upon the request of either party. After a review of the record of the case and in light of the appeal, and any answer and reply, the Chairman shall either deny or grant the appeal, in whole or in part. There shall be no further administrative appeal from his decision, which shall be final. On appeal by a respondent from a suspension order, the Chairman may review the facts found by the Commissioner and his conclusions, and make new findings of fact or conclusions, but he shall give due regard to the opportunity had by the Commissioner to judge the credibility of witnesses and shall not set aside any findings of fact or conclusions unless clearly erroneous. On an appeal by the Compliance Officer of OMD, the Commissioner's findings of facts and conclusions shall not be subject to review but only his recommendations. On an appeal from a consent order by the respondent, the Chairman may refer the case to a Commissioner for hearing and report. On an appeal by

either party, the Chairman may direct the closing of the case, or a modification of the suspension or consent order which has been issued or recommended for issuance by a Commissioner, including an increase in the restrictions or the period they remain in effect. The Chairman's decision shall be incorporated in an opinion, a copy of which shall be furnished the respondent if a suspension or consent order is issued or continued in effect, or in other cases if so directed by the Chairman. The Chairman may also at any time revoke any suspension or consent order or modify it by diminishing the period of suspension or the restrictions imposed, even though no appeal has been taken by the respondent.

(4) Upon an appeal, the Chairman may direct the reopening of the case before a Commissioner for the purpose of admitting additional evidence or rehearing by the Commissioner, and the submission of a further report on the case. After such rehearing, the Commissioner shall amend any previous findings of fact, conclusions or recommendations previously made in the case, or confirm those previously made, or make new ones, and may recommend that the suspension or consent order be continued in force. modified, or revoked, or a new order issued. His report shall be filed with the Chairman for consideration in the determination of the appeal.

(f) Other functions—(1) Stays. The Compliance Commissioner is hereby authorized upon the application of a respondent to direct the issuance of an order staying the operation of a suspension or consent order on such conditions, if any, as he may deem proper for assuring continuing compliance with OMD orders and regulations by the respondent.

(2) Supplementary policies, standards and procedures. The Compliance Commissioner may recommend the adoption of policies, standards and procedures to be followed by himself and the Deputy Compliance Commissioners, as well as rules and procedures for the taking and disposition of appeals and for application for stays of suspension and consent orders, not inconsistent with this sec-Such policies, standards, procedures and rules shall become effective after they are approved by the Solicitor of the Department of Commerce. The official statement of such matters may be incorporated in and consolidated with the general statement of compliance procedures published in the FEDERAL REGISTER as Part 372, Compliance Procedure, of Chapter III, Bureau of Foreign and Domestic Commerce, Department of Commerce, of Title 15, Commerce.

(g) Separation of functions. In the performance of their functions under this section, the Compliance Commissioner and Deputy Compliance Commissioners shall be responsible to the Secretary of Commerce, and not to the Director of the OMD, and shall not be subject to the supervision or direction of the latter, or of any officer, employee or agent

engaged in the performance of investigative or prosecuting functions for the OMD. The Compliance Commissioners and Deputy Compliance Commissioners shall not consult with either the respondent or the Compliance Officer of the OMD on any facts in issue at their hearings, unless upon notice and opportunity for both parties to attend and participate.

Neither the Compliance Officer of OMD nor his subordinates shall participate or advise in any decision as to the facts or conclusions as to any fact in issue, made by any Compliance Commissioner, or made by the Chairman of the Appeals and Review Staff upon an appeal.

(h) Criminal or civil proceedings not affected. No action by the Compliance Commissioner, a Deputy Commissioner, or the Chairman of the Appeals and Review Staff shall preclude or affect the referral of a case to the Department of Justice for criminal or civil proceedings; although any recommendation for such referral by a Compliance Commissioner will be given due consideration.

(Sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 53 Stat. 827, and Pub. Laws 270 and 475, 79th Cong., Pub. Laws 24, 29, 143, and 183, 80th Cong., E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9539, 10 F. R. 10155; E. O. 9633, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281, E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995, and Amendment 1, Sept. 19, 1947, 12 F. R. 6359, 6433; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996)

Issued this 7th day of November 1947.

W. A. Harriman, Secretary of Commerce.

[F. R. Doc. 47-10042; Filed, Nov. 12, 1947; 8:51 a. m.]

## TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce

[Materials Control Reg. 2, as Amended November 7, 1947]

PART 903—DELEGATIONS OF AUTHORITY

#### COMPLIANCE

CROSS REFERENCE: For amendment and incorporation of § 903.10 into § 373.1 of Title 15, see Part 373 of Title 15, supra.

## PART 904—PROCEDURES COMPLIANCE PROCEDURE

CROSS REFERENCE: For revocation and supersedure of Procedural Documents 5 and 6 (§§ 904.501 to 904.515, inclusive, and 904.601 to 804.604, inclusive), ace Part 372 of Title 15, supra.

# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

AUSCELLANEOUS AMERIDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S. C. 1), §§ 207.180 (g) 207.250 (m), 207.350 (m), 207.350 (m), 207.710 (j), and 207.760 (n) of Part 207, Title 33, Code of Federal Regulations, are hereby modified by the deletion of statements which would appear to limit liability for the cost of repairs of damage to navigation structures as such liability must be governed by law rather than by regulation, said sections being amended as follows:

§ 207.180 -All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries and outlets) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.

(g) Damages. Masters and owners of vectels using the waterways to which this section applies shall be responsible for any damage caused by their operations to canal revetments, lock piers and walls, floodgates and appurtenances, bridges, and bridge fenders, and for displacing or damaging buoys, stakes, spars, range lights, or other aids to navigation.

§ 207.250 Ovachita River, Ark. and La., use, administration, and navigation.

(m) Damage to locks or other structures. The owners and masters of boats shall be responsible for any damage caused by their operations to locks or other structures

§ 207.300 Ohio River, Mississippi River above Cairo, III., and their tributaries; use, administration, and navigation.

(m) Damage to locks or other structures. The sides of all craft passing through any lock shall be free from projections of any kind which might injure the lock walls. Steamboats shall be provided with suitable fenders. One or more men as the lockmaster may direct shall be kept at the head of every tow until it has cleared the lock and guide walls to protect the walls by the use of fenders. The owners and operators of floating craft shall be responsible for any damage caused by their operations to locks or other structures.

§ 207.410 Keweenaw Waterway,

(k) Damage to cribs, mers, and revetments. Vessels shall use great care not to strike or injure the cribs, piers, and revetments. The masters and owners of vessels shall be responsible for any damage caused by their operations to these structures.

§ 207.700 Bonnerille Navigation Lock and approach channels, Columbia River Orcg., use, administration, and navigation.

- (n) Damage to lock or other structures. The owners and masters of vessels shall be responsible for any damage caused by their operations to the lock or other structures
- § 207.710 Dalles-Celilo Canal, Columbia River use, administration, and navigation.
- (j) Damage to locks or other structures. The owners and masters of vessels shall be responsible for any damage caused by their operations to locks or other structures

§ 207.760 Lake Washington Ship Canal, Seattle, Wash., navigation. \* \* \*

(n) Damage to locks or other struc-The owners and masters of vessels shall be responsible for any damage caused by their operations to the locks or appurtenances

[Regs. Oct. 10, 1947 (CE 800.211)-ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL]

EDWARD F. WITSELL, Major General, The Adjutant General.

[F. R. Doc. 47-10041; Filed, Nov. 12, 1947; 8:50 a. m.l

## TITLE 36—PARKS AND FORESTS

## Chapter I—National Park Service, Department of the Interior

PART 36-SHASTA LAKE RECREATIONAL AREA REGULATIONS

Sec. General provisions. 36.1 Definitions. 36.2 Preservation of public property, natural features, and curiosities. 36.4 Camping. Picnicking. 36.5 Fishing and hunting. 36.6 Boats and permits.

Mooring and landing facilities. 36.7 36.8 Installation of floats and piers. 36.9 Zoned waters, courses, and beaches. 36.10 Approach to Shasta Dam. 36.11 Registration of trips. Speed of water-borne craft. 36.12 36.13 Boarding and inspection. 36.14 Houseboats. 36.15 Intoxication. 36.16 36.17 Bathing. 36.18 Firearms. 36.19 Fires. 36.20 Sanitation. 36.21 House trailers. Disorderly conduct. 36.22 36.23 Begging. 36.24 Pets. 36.25 Vehicular traffic. 36.26 Report of accidents. Abandonment of property. 36.27 Lost articles. 36.28 36.29 Collection of scientific specimens. Grazing. 36.30 36.31 Private operations on Government-owned lands. Private lands. 36.32 Advertisements. 36.33 36.34 Prospecting and mining. Motion and sound pictures. 36.35 Closing of Area. 36.36 36.37 Radios, loud speakers, etc. Dead animals. 36.38 36.39 Gambling. 26 60 Penalties.

36.61 Effective date. AUTHORITY: §§ 36.1 to 36.61, inclusive, issued under the authority contained in 32 Stat. 390, 39 Stat. 535, 41 Stat. 732, 47 Stat. 417, 49 Stat. 1894, 50 Stat. 850, act of August 7, 1946 (Public Law 633, 79th Cong.); 16 U. S. C. 3, 17k, 31 U. S. C. 686, 43 U. S. C.

- § 36.1 General provisions. The regulations in this part shall be applicable to Shasta Lake Recreational Area, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation, Department of the Interior, as detailed in a memorandum of agreement between the National Park Service and the Bureau of Reclamation, approved May 22, 1945.
- § 36.2 Definitions. As used in the regulations in this part, unless otherwise indicated:
- (a) The term "Secretary" means the Secretary of the Interior.
- (b) The term "Director" means the
- Director of the National Park Service.
  (c) The term "Regional Director" means the Regional Director, Region Four, National Park Service.
- (d) The term "Supervisor" means the Supervisor of Shasta Lake Recreational Area.
- (e) The term "Shasta Lake Recreational Area" means the property owned by the United States, including the water surface of Shasta Lake, within that portion of the Kennett Division of the Central Valley Project, California, which is administered by the National Park Service of the Department of the Interior, shown outlined in green on a map thereof (Drawing No. K1280C, dated March 28, 1940, Rev. 10-18-40 and 12-30-43 of Kennett Division) a copy of which shall be filed with the regulations of this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Supervisor for public inspection.

(f) The term "area" means the Shasta

Lake Recreational Area.

"commercial boat" (g) The term means any vessel or boat kept or used for rental or for carrying passengers for hire or used in transporting movable property for compensation or in connection with any business.

(h) The phrase "carrying passengers for hire" means the carrying of any person or persons by a vessel or boat for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any person interested in the vessel or boat.

(i) The term "water-borne craft" shall include the following types: Raft, canoe, rowboat, motorboat, motor vessel, commercial boat, or any other craft which may be placed or operated upon the waters of the area.

§ 36.3 Preservation of public property, natural features, and curiosities. The destruction, injury, defacement, removal, or disturbance in any manner of any public building, sign, equipment, mouument, marker, or other structure, or of any tree, flower, fruit, vegetation, rock, mineral formation, or of any ruins, relics. or other public property of any kind, is prohibited, except that the picking of flowers below the high water line of the area is permitted.

§ 36.4 Camping. (a) No camping is permitted outside of either the developed camping areas or at undeveloped camping areas designated by the Supervisor, except when necessary in connection with trips to isolated sections of the area.

- (b) The Supervisor may establish limitations on the time allowed for camping in any public camping areas, and upon the posting of such limitations no person, party, or organization shall camp for a period longer than specified for the particular area.
- (c) The installation of permanent camping facilities or other developments within the area is not permitted except upon special authorization, in writing, from the Supervisor.
- (d) Camping equipment left unattended for more than 48 hours is subject to removal by order of the Supervisor, the expense of such removal to be borne by the person leaving such equipment.
- (e) No camp shall be placed within 25 feet of any water hydrant, water main, road, or well-defined water course.

(f) The Supervisor may establish hours during which quiet must be maintained in any camping area.

(g) Overnight camping is prohibited in picnic grounds.

§ 36.5 Picnicking. (a) The Supervisor may establish reasonable limitations on the time during which any person or group of persons may use any picnicking facility when, in his judgment, such limitations are necessary for the accommodation of the visiting public.

(b) Picnicking or the eating of lunches is prohibited in restricted areas designated by the Supervisor.

§ 36.6 Fishing and hunting. Fishing and hunting within the area shall be in accordance with the then current Callfornia Fish and Game Code: Provided, That fishing and hunting in developed parts of the area or parts of the area where visitor use is concentrated may be prohibited by the Supervisor. areas within which fishing and hunting may be prohibited will either be marked on the ground or designated on a map of the area, which will be open for inspection in the Supervisor's office, as the case may be.

§ 36.7 Boats and permits. (a) No privately-owned water-borne craft shall be placed or operated upon any waters of the area unless a permit therefor has been secured. Permits good for the period of time therein designated will be issued by the Supervisor upon evidence satisfactory to him of compliance with safety equipment requirements and the payment of fees as set out in the follow-

ing schedule:

	Fee for a permit good for a period not to exceed 1 calendar year	Fee for a short term permit good for a period not to exceed 1 month
(1) Permit for rowbeat or cance, not motor-powered or equipped		
with sails(2) Permit for motorboat or sail-	\$1.00	\$0,50
boat less than 16 feet in length	2,00	1.00
(3) Permit for motorboat or sall- boat 16 feet or over and less than 26 feet in length	4,00	2,00
(4) Permit for motorboat or sail- boat 26 feet or over and less than 40 feet in length	8,00	4,00
(5) Permit for motorboat or sail- boat 40 feet or over and not more	}	]
than 65 feet in length	10.00	£.00

(b) Boats equipped or operated with outboard motors shall be considered motorboats within the meaning of paragraph (a) of this section.

(c) No privately-owned boat that is in excess of 65 feet in length shall be permitted on the waters of the area.

- (d) The permit shall be carried in the hoat for which it is issued, when any person is aboard, and shall be exhibited upon the request of any officer of the United States, on duty, authorized to enforce the laws and regulations in force within the area.
- (e) The permit may be transferred with the boat for which it is issued upon giving written notice of such transfer to the Supervisor.
- (f) Upon the failure of the permittee to comply with the conditions of the permit or the laws and regulations in force within the area, the Supervisor may revoke the permit and require the removal of the violator's craft from the area.
- § 36.8 Mooring and landing facilities. (a) Where mooring or landing facilities for public use are installed either by the National Park Service or by operators under contract with the United States. no water-borne craft shall be landed or moored in the vicinity except at the said public mooring or landing facilities.

(b) Where public mooring facilities are not available, moorings or landings may be made only at places designated

by the Supervisor.

- (c) No water-borne craft shall be moored unless secured by mooring lines to shore, or by anchors of such size and design as may be approved by the Super-
- § 36.9 Installation of floats and piers. (a) No landing float, pier, or other docking or mooring device shall be installed without a permit which shall designate the place for its setting or installation to be issued by the Supervisor, subject to the approval of the Regional Director.
- (b) Miners or others engaged in authorized industrial activities within the area and owners of adjoining lands who have need for private docking facilities, shall make application therefor to the Supervisor, who, in his discretion and subject to the approval of the Regional Director, may issue special use permits authorizing the installation of such fa-
- § 36.10 Zoned waters, courses, and beaches. (a) No privately-owned water-borne craft shall be operated within any waters zoned and marked as migratory bird rest waters or for related wildlife uses, including waters zoned and marked for fish culture purposes.
- (b) No privately-owned water-borne craft shall be permitted to approach within 200 feet of any designated bathmg beaches or waters, except to effect
- § 36.11 Approach to Shasta Dam. No water-borne craft, except Federallyowned boats on official business, shall approach within 1,000 feet of Shasta Dam at any time, except to effect rescues.
- § 36.12 Registration of trips. The operator of any privately-owned waterborne craft, leaving for an extended trip

- on the waters of the area away from the craft's home have, shall report to the dock master, or, where no dock master is present, shall post in a book or on a board provided for that purpose, his dertination and probable time of return: and, upon his return, he shall complete the record by indicating thereon the time of return.
- § 36.13 Speed of water-borne craft.
  (a) The speed of water-borne craft shall be restricted to speeds reaconable for the time, place, and surrounding conditions; i. e., no such craft shall be operated in a reckless or negligent manner so as to endanger the life, limb, or property of any person.
- (b) Water-borne craft operating at anchorages or in the vicinity of docks, floats, or other such craft, shall be restricted to speeds that will not cause discomfort or injury to persons or damage to other such craft or property in the vicinity.
- (c) Water-borne craft operating in narrow channels or locations, or under conditions where visibility is dangerously impaired, shall be restricted to a speed that will permit said craft immediately to change her progress from headway to sternway.
- § 36.14 Boarding and inspection. The Supervisor or his designated representative is authorized to board and enter for inspection purposes all waterborne craft, floats, docks, or any other buildings or installations of any nature within the area.
- § 36.15 Houseboats. No houseboat shall be placed or maintained upon the waters of the area, nor may any heat be used for permanent living accommodations. In the case of a boat having a paid crew, a member or members of the crew may be permitted to live aboard if necessary for the care and operation of the boat.
- § 36.16 Intoxication. No person who is under the influence of intoxicating liquor or narcotic drugs shall operate a water-borne craft within the area.
- § 36.17 Eathing. Bathing shall be confined to waters and beaches designated for that purpose by the Supervisor: Provided, That bathing in or along any such waters and beaches, without proper bathing clothes, is prohibited.
- § 36.18 Firearms. (a) The carrying of firearms within the area is permitted in accordance with the then current California State laws and regulations: Provided, however, That the Supervisor, in his discretion, may designate areas within which no firearms may be carried or used if there is danger to life or property.
- (b) The Supervisor may, in his discretion, permit the carrying of firearms by employees under his administrative jurisdiction when such possession is deemed necessary in the performance of their official duties.
- (c) Authorized law enforcement officers may carry firearms within the area while engaged in the enforcement of Federal or State laws and regulations, or when otherwise necessary in the perform. ance of their duties.

- \$36.19 Fires. (a) Permits to build campfires within the area, to be issued by the Supervisor or a representative of the United States Forest Service, are required.
- (b) Fires shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. In public campgrounds the regular fireplaces constructed for the convenience of victors must be used. Should camp be made in a locality where no such open space exists or is provided. the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.
- (c) Fires shall be lighted only when necessary and, when no longer needed, shall he completely extinguished with water so that there remains no possibility of reignition. Where the fires are kindled in areas away from public campgrounds equipped with constructed fireplaces, the ashes shall be completely covered with clean earth, free of duff and litter, after the fire has been completely extinguished with water.
- (d) Permission to burn on any cleanup operation within the area must first be obtained, in writing, from the office of the Supervisor, a representative of the United States Forest Service, or a representative of the California State Division of Forestry, and in such cases as it is deemed advisable, such burning will be under Government supervision. All costs of supprecision and all damages caused by reason of loss of control of such burning operations shall be paid by the person or percons to whom such permit has been granted.
- (e) No lighted eignrette, eignr, pupe heel, match, or other barning material shall be thrown from any vehicle or saddle animal or dropped into any grass, leaves, twigs, tree mold, or other combustible or flammable material.
- (f) The building of fires on any lands within the area may be prohibited or limited by the Supervisor when, in his judgment, the hazard makes such action necessary.
- (g) The use of fireworks or firecrackers within the area is prohibited, except with the written permission of the Supervisor.
- § 30.20 Sanitation. (a) Campers and others shall not wash clothing or cooling or eating utencils in, or pollute in any other manner, the waters of the area
- (b) The cleaning of fish or the washing of clothing at comparound or picnic area hydrants is prohibited.
- (c) Bottles, cans, garbage, papers, rubbish, or refuse of any kind shall not be thrown in the lake or left on or along the roads, in camping or picule areas, or on any other area lands, but shall be disposed of at designated places on
- (d) Contamination of watersheds, of water supplies, or of any water used for drinking purposes, is prehibited.
- (e) All comfort stations shall be used in a clean and sonitary manner.
- (f) The drainage or dumping of refuse from any trailer, except in places or receptacles provided for such purpose, is prohibited.

- (g) Saddle, pack, or draft animals shall not be kept in or near any camping area.
- (h) All bilge waters containing oil and grease, except in emergencies, shall be disposed of on shore.
- (i) All water-borne craft equipped with toilets must have the toilet doors locked when the craft is entering or leaving any public harbor.
- § 36.21 House trailers. House trailers are admitted to the area, but, in the discretion of the Supervisor, they may be required to occupy separate camping areas.
- § 36.22 Disorderly conduct. Persons who render themselves obnoxious by disorderly conduct or bad behavior shall be subject to penalties hereinafter prescribed for violation of the regulations in this part, and in addition thereto, or in lieu thereof, may be summarily removed from the area by the Supervisor or his authorized representative.
- § 36.23 Begging. Begging is prohibited within the area.
- § 36.24 Pets. Dogs, cats, and other pets shall be permitted within the area: Provided, That they are kept under such control that they do not interfere with the use and enjoyment of the area by the public.
- § 36.25 Vehicular traffic. (a) Subject to the provisions of paragraphs (b) and (c) of this section, the operation of motor vehicles and other vehicles entering and within the area shall be governed by the then current laws and regulations of the California Vehicle Code: Provided, however That the Supervisor, in his discretion, may prescribe certain limitations and restrictions on Government roads for the protection of the public.
- (b) Drivers of all vehicles shall comply with the directions of all official traffic signs posted in the area.
- (c) No person who is under the influence of intoxicating liquors or narcotic drugs shall operate a motor vehicle of any kind in the area.
- (d) No vehicle shall be operated outside the roadways and parking zones designated by the supervisor.
- § 36.26 Report of accidents. All accidents, other than minor personal injuries or accidents to or involving visitors where no Government liability may be involved, occurring within the area shall be reported as soon as possible by the person or persons involved to the Supervisor or his authorized representative.
- § 36.27 Abandonment of property. The abandonment of any personal property within the area is prohibited.
- § 36.28 Lost articles. Persons finding lost articles should deposit them at the office of the Supervisor, or at the nearest ranger station, leaving their names and addresses, so that if the articles are not claimed by the owners within 60 days, they may be turned over to those who found them.
- § 36.29 Collection of scientific specimens. Collection of natural objects for

- scientific or educational purposes shall be permitted in accordance with the then current California State laws and regulations: *Provided*, That written permission therefor is first had and obtained from the Supervisor. No permits shall be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance.
- § 36.30 Grazing. The running at large, herding, or grazing of livestock of any kind on the Government-owned lands within the area, as well as the driving of livestock over the same, is prohibited, except where authority therefor has been granted by the Regional Director.
- § 36.31 Private lands. (a) Ownership of lands adjacent to the Government-owned lands within the area, including Indian lands owned either individually or tribally, shall not afford the owner of the private lands any private and exclusive access across the Government-owned lands to the shore of the lake, or any other special right to the use of the Government-owned lands except such as may be granted by permit or lease.
- (b) Owners of lands adjacent to, or surrounded by, the Government-owned lands shall be granted special use permits by the Regional Director for reasonable access to their properties where adequate access ways do not exist. Each permit issued for such purpose shall specify the route to be used for access to the nearest public roadway, and maintenance of the access-way to be undertaken by the permittee. Prior to the issuance of such a permit, no work in clearing or constructing the access-way shall be undertaken. The access-way shall not be used for the installation of any private or public utility unless the permit expressly includes such installation. In case any private property is subdivided, no additional access-ways shall be provided across the Government-owned lands for the convenience of owners of portions of the subdivided property.
- (c) Owners of lands adjacent to, or surrounded by, the Government-owned lands shall provide against trespass by their livestock upon the Government-owned lands within the area, and owners and persons in charge of trespassing livestock shall be subject to the penalties provided by law for violation of the regulations in this part.
- (d). No person shall maintain a nuisance upon privately-owned lands within the area.
- § 36.32 Private operations on Government-owned lands. (a) No person shall reside permanently in the area, except National Park Service employees or other persons authorized to do so by a permit issued by the Regional Director or under a valid lease or contract from the United States.
- (b) No person, firm, or corporation shall engage in or solicit any business, or erect buildings in the area without a permit issued by the Regional Director or a valid lease or centract from the United States.

- (c) No person, firm, or corporation shall construct, or attempt to construct, a telephone line, telegraph line, power line, or other private or public utility over, through, or under any Government-owned lands in the area without a permit issued by the Regional Director.
- (d) No person, firm, or corporation shall construct, or attempt to construct, a road, trail, path, or other way over, across, or upon any Government-owned lands in the area without a permit issued by the Regional Director.
- (e) All lesses, permittees, or licensees for the use of Government-owned lands within the area shall comply with all laws and regulations applicable within the area.
- § 36.33 Advertisements. Private notices or advertisements shall not be posted, distributed, or displayed in the area, except such as the Supervisor may deem necessary for the convenience and guidance of the public.
- § 36.34 Prospecting and mining. Prospecting and mining on the Government-owned lands within the area is permitted only by authority of and in accordance with regulations prescribed by the Secretary.
- § 36.35 Motion and sound pictures. Before any motion or sound pictures may be filmed, except by amateurs and bona fide newsreel photographers, authority therefor must first be obtained in writing from the Supervisor, which authority the Supervisor may, in his discretion, grant in accordance with the then current regulations of the Department of the Interior as set out in Title 43, Subtitle A, Part 5, Code of Federal Regulations.
- § 36.36 Closing of area. The Supervisor may, in his discretion, during any period of emergency, close to public use all or any part of the area.
- § 36.37 Radios, loud speakers, etc. (a) The use of radios in public camps, hotels, or other buildings, or in automobiles, is prohibited when audible beyond the immediate vicinity of the radio set. Radios shall not be operated to the annoyance of other persons, nor so as to disturb the quiet of camps or other public places.
- (b) The erection of aerials or other outside radio installations is prohibited except pursuant to authority granted by the Supervisor.
- (c) The use of loud speakers or public address systems, whether fixed or portable, on Government-owned lands or highways within the area is prohibited, except pursuant to authority granted by the Supervisor.
- § 36.38 Dead animals. All domestic or grazed animals that may die on any Government-owned lands in the area shall be removed immediately, or buried immediately, by the owner or person having charge of such animals, at least two feet beneath the ground, and in no case less than one-fourth mile from any camp, thoroughfare, or source of water supply.
- § 36.39 Gambling. Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited.

§ 36.60 Penalties. Any person who violates any provision of the regulations in this part, or as the same may be amended or supplemented, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or imprisonment for not exceeding 6 months, or both, and be adjudged to pay all costs of the proceedings: Provided, however, That failure to observe the provisions of § 36.28 shall not be deemed a violation of the regulations in this part.

§ 36.61 Effective date. The regulations in this part shall become effective upon publication in the Federal Register.

Issued this 21st day of October 1947.

[SEAL] C. GIRAND DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-10027; Filed, Nov. 12, 1947; 8:49 a. m.]

## Chapter Il—Forest Service, Department of Agriculture

PART 261-TRESPASS

CONECUH, DE SOTO, BIENVILLE, KISATCHIE, AUGELINA, AND SABINE NATIONAL FORESTS; BELIOVAL OF TRESPASSING HOGS

Whereas, a number of hogs are trespassing and grazing on lands fenced for reforestation purposes on the Conecuh National Forest in Alabama, the De Soto and Bienville National Forests in Mississippi, the Kisatchie National Forest in Louisiana, and the Angelina and Sabine National Forests in Texas; and

Whereas, these hogs are injuring and causing mortality to pine trees on these fenced national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agniculture by the act of June 4, 1897 (30 Stat., 35; 16 U. S. C. 551) and the act of February 1, 1905 (33 Stat., 628; 16 U. S. C. 472) the following order for the occupancy, use, protection, and administration of the Conecuh National Forest in Alabama; the De Soto and Bienville National Forests in Mississippi; the Kisatchie National Forest in Louisiana; and the Angelina and Sabine National Forests in Texas, is issued:

Temporary closure from livestock grazing. (a) The fenced areas on the Conecuh, De Soto, Bienville, Kisatchie, Angelina, and Sabine National Forests are hereby closed to the grazing of hogs for the period beginning January 1, 1948 and ending December 31, 1952.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all hogs found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such hogs shall be given by posting notices in public places or advertising in a newspaper of general circulation in the localities in which the Conecuh, De Soto, Bienville, Kisatchie, Angelina, and Sabine National Forests are located.

Done at Washington, D. C., this 6th day of November 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON, Secretary of Agriculture.

[F. R. Dec. 47-10035; Filed, Nov. 12, 1947; 8:50 a. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I-Veterans' Administration

PART 4—ADJUDICATION: VITERANS' CLARIS, CENTRAL OFFICE SECTION

MISCELLANEOUS ALIENDRICHTS

The following amendments are made to Part 4.

PERSONS INCLUDED IN ADDITION TO OFFICERS AND ENLISTED MEN, OTHER THAN THOSE MENTIONED IN THE ACT OF JULY 14, 1862, AND OTHER CONTROLLING LAWS

Paragraphs (a) to (d) inclusive, (f) to (i) inclusive and (k) to (o), inclusive, § 4.2006, are canceled, and paragraphs (e) and (j) redesignated (a) and (b), respectively the section now reads as follows:

§ 4.2006 Public No. 2, 73d Congress. (See also § 2.001 of this chapter.) (a) Personnel of the Revenue Cutter Særvice while serving under the direction of the Secretary of the Navy in cooperation with the Navy.

(b) Contract surgeons, except as to § 35.013 of this chapter.

§ 4.2003 Public No. 140,73d Congress. Canceled August 20, 1947.

#### JURISDICTION

§ 4.2025 Jurisdiction of the Claims Division, Central Office. Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pension, and retirement pay of the following classes:

Paragraph (d) Subparagraph (1) is changed, (2) and (3) canceled and (4) changed and redesignated (2), as follows:

(d) Where the veteran is a claimant for retirement under section 5, Public No. 18, 76th Congress, as amended, except:

(1) Where all service was after July 15, 1903,

(2) Following the initial adjudication of a claim comprehended in subparagraph (1) and decentralization of such claim, the field office having jurisdiction thereover is authorized to complete all subsequent adjudication actions not requiring contact with the War Department relative to retirement, such as apportionments, adjustments under section 1, Public Law 662, 79th Congress. Claims requiring contact with the War Department or where there is doubt as to the proper action, will be referred to the director, veterans claims service, central office, for appropriate action.

(e) Where the veteran resides without the continental limits of the United States other than within the territory

assigned to regional offices in Aleska, Hawaii, Puerto Rico and the Philippmes.

(n) Claims involving sections 4 and 5, Public Law 144, 78th Congress, as amended by Public Law 622, 78th Congress.

(q) In cases under the jurisdiction of the division, determinations, when required, whether disabilities are service connected and compensable for purposes of vacational rehabilitation.

•

(t) Applications for automobiles and other conveyances for disabled veterans filed by retired officers, Veterans' Administration employees and foreign residents under Public Law 693, 79th Congress.

(u) Any claim not otherwise under the jurisdiction of central office referred by competent authority for action. (Pub. Law 663, 79th Cong.)

DETERMINATIONS AS TO PASIC HEXTELEMENT

§ 4.2042 Desertion—(a) The act of April 26, 1898, as amended Hay 11, 1908. Section 6 of the act of April 26, 1893 as amended by the act of May 11, 1963, provides that where a soldier deserts, all rights to disability pension are forfeited, whether desertion was in time of peace or war. This act is applicable to all laws reenacted by section 30, Public No. 141, and Public No. 289, 74th Congress. This provision is expressly limited to soldiers and has no application to sailors, marines or death pensioners. It is immaterial whether the service was terminated by an honorable discharge upon remission of sentence for the desertion after trial and conviction or that the proceedings were set aside for irregularity but desertion from an enlistment entered into subsequent to the service during which the injury was incurred or subsequent to the war during which the requisite service to convey entitlement to service pension was rendered, is not a bar to pension on the previous service. Conviction and sentence by court martial are not material but forfeiture for penods prior to June 22, 1844, will attach in case of desertion even where the soldier voluntarily surrenders, is restored to duty without a trial and was thereafter honorably discharged. An act of Congress, removing a charge of desertion, pursuant to which an honorable discharge was issued by the War Department, as of the date of the occurrence previously recorded as desertion, eraces all effects of the desertion, and an act of Congress providing that in the administration of the pension laws an individual shall be considered as honorably discharged, but not specifically removing a charge of desertion, will entitle the person to a pension, if otherwise in order, notwithstanding the acts of April 25, 1883, and May 11, 1905, if the legislative history discloses that it was the intent to grant a pension. The act of April 26, 1093, does not apply to pension predicated on service which terminated prior to that date; Provided, That on and after the approval of Public Law 346, 78th Congress, June 22, 1944, where the veteran is restored to duty and subsequently honorably dis-

<sup>&</sup>lt;sup>1</sup>This affects tabulation contained in 86 CFR, 261.50.

#### **RULES AND REGULATIONS**

charged, he may be awarded a pension. under the reenacted Spanish-American War laws, if otherwise entitled thereto.

§ 4.2044 Misconduct. \* \*

Paragraph (b) (2) is canceled; the (1) is removed from subparagraph (1) as it now constitutes the entirety of paragraph (b)

(b) Public No. 269, 74th Congress. As to pension under the Service Acts reenacted by Public No. 269, 74th Congress, payment is barred only if disability resulted from vicious habits (see § 2.1065 (b) (1) of this chapter) except that this restriction is not included in the act of June 2, 1930, under which there is no bar as to misconduct or vicious habits.

CROSS REFERENCE: For misconduct under Public No. 2, 73d Congress, see § 2.1065 of this chapter.

#### SERVICE CONNECTION AND EVALUATION

CROSS REFERENCES: For jurisdiction of the central disability board, see § 4.2025. For policy as to cooperation with and assistance to yeterans and beneficiaries, see § 2.1007 of this chapter. For physicians' statements and lay affidavits, see §§ 2.1030, and 2.1031 of this chapter. For credibility of evidence, see § 2.1031 (c) of this chapter. For controlling policy and procedure, see \$,2.1006 of this chapter. For amendments, reversals, and severance of service connection, see § 2.1009 of this chapter.

DETERMINATIONS OF SERVICE CONNECTION

CROSS REFERENCES: For determinations of service connection under Public No. 2, 73d Congress, see § 2.1077 of this chapter. For presumption of soundness, see §§ 2.1059 and 2.1063 of this chapter. For chronic diseases, see §§ 2.1080 and 2.1086 of this chapter. natural progress under § 35.01, see § 2.1100 of this chapter. For proximate results, see § 2.1101 of this chapter.

§ 4.2057 Service prior to April 21, 1898. (a) As to veterans of the Indian wars, Civil War, and peacetime service prior to April 21, 1898, determination of service connection will be made on the basis of the act of July 14, 1862, and amendments (sections 4692-4696, R. S., as amended) pursuant to which compensation is payable only for injury or disease actually incurred or contracted (as distinguished from aggravated) in active military or naval service, in line of duty.

(b) Amendments to the basic act of July 14, 1862, provide that all applicants for compensation shall be presumed to have had no disability at the time of enlistment but that such presumption may be rebutted. (Act of March 3, 1885)

\* (Pub. Law 494, 79th Cong.)

EVALUATION UNDER PUBLIC NO. 2 AND PUB-LIC NO. 141, 73D CONGRESS

CROSS REFERENCES: For effective date of 1933 schedule, see §§ 2.1148 and 2.1149 of this chapter. For hospitalization and home treatment, see § 2.1165 (b) (2) of this chapter. For non-incapacitating degree see § 2.1158 (b) of this chapter. For compensable rating based on two non-compensable condi-tions, see § 2.1156 of this chapter. For aggravation, see § 2.1159 of this chapter.

§ 4.2060 Under Public No. 140, 73d Congress (Aerial Transportation of Mail) Canceled August 20, 1947.

§ 4.2062 General law rates—(a) Rates fixed by or pursuant to law. Rates of compensation under the act of July 14, 1862, as amended and as reenacted, for service-connected disability specified by or fixed pursuant to law follow

(Rates apply also to service other than during the S. A. W., including the B. R. and P. I., except for total disability of both hands or feet)	Rates under the "general law" as amended and as reenacted by Pub. No. 269, 74th Cong.	Ratesunder Pub. Law 469, 78th Cong.	Adjusted rates under the "general law" as amended and as reenacted by Pub. No. 141, 73d Cong. Not applicable after 8-12-35.	(Rates apply also to service other than during the S. A. W., including the B. R. and P. I., except for total disability of both hands or feet)	Rotesunder tho "genoral law" as amonded and as reenacted by Pub. No. 269, 74th Cong.	Ratesunder Pub. Law 469, 78th Cong.	Adjusted rates under the record under the record under the record amended and as reconcted by 1 lub. No. 141, 73d Cong. Not applicable after 8-12-35.
Loss of sight of both eyes Loss of both hands Total disability of both hands (S. A. W., B. R. and P. I. only). Loss of both feet Total disability of both feet.	100 80 100	\$129.50 104.50 84.50 104.50 104.50 84.50	\$93.75 75.00 60.00 75.00 75.00 60.00	Less of all the fingers, thumb and palm remaining. Loss of index, middle and rung figuers. Loss of middle, rung and little fingers. Loss of index and middle fingers. Loss of little and middle fingers. Loss of little and ring fingers. Loss of rung and middle fingers.	17 15 12 12 10	3333333	\$12,76 12,76 11,25 9,00 9,00 7,50 7,50
Total disability of both feet. Total disability of both feet (S. A. W., B. R. and P. I. only). Loss of one hand and one foot. Total disability in one hand and one foot. Loss of one hand or one foot and a portion of the other hand or foot. Loss of one hand or one foot. Loss of one hand or one foot.	100 100 100 85	104, 50 104, 50 104, 50 104, 50	75.00 75.00 75.00 63.75 60.00	Loss of index and little fingers. Loss of index finger Loss of all the toes of one foot. Loss of great, second and third toes. Loss of great toe and metaarsal. Loss of great and second toes. Loss of great toe.	10 6 15 12 12 12	999999999	7, 50 6, 00 11, 23 9, 00 9, 00 9, 00
Loss of one mand of one hand or one foot  Total disability of one hand or one foot  Loss of both arms or both legs  Total disability of both arms or both legs  Loss of an arm at or above the elbow or a leg at or above the knee	80 125 125	129.50 129.50	60.00 93.75 93.75	Chopart's amputation of foot with good results. Pirogoff's modification of Symo's Inguinal hernia which passes through the external ring Inguinal hernia which does not pass through	17 17 15	8 0	12,75 12,75 11,25
Total disability of arm or leg	90 72 50	(1) (1) 76.50 (1) 34.50	67.50 54.00 37.50 22.50	the external ring Double inguinal hernia, each of which passes through the external ring Double inguinal hernia, one of which passes	1 12	(4)	9,00 12,75
Incapacity to perform manual labor. Disability equivalent to loss of hand or foot Total deafness. Ankylosis of ankle. Ankylosis of wrist.	24	99999	18.00 30.00 9.00 9.00	through the external ring and other does not Double inguinal hernia, neither of which passes through the external ring Femoral hernia.	12	9	11, 25 9, 00 11, 25
Loss of sight of one eye.  Loss of one eye.  Loss of palm of hand and all fingers and thumb remaining	17		9.00 12.75 12.75	Nearly total deafness of one ear Total deafness of one ear Slight deafness of both ears Severe deafness of one ear and slight of the other	6 10 6 10		6,00 7,60 0,00 7,50
Loss of thumb, index, middle and ring ingers Loss of thumb, index and middle fingers Loss of thumb and little fingers Loss of thumb and index fingers Loss of thumb and index fingers	17 15 17 17 15	,	12.75 12.75 11.25 12.75 11.25	Nearly total deafness of one ear and slight of the other. Total deafness of one ear and slight of the other. Severe deafness of both ears. Total deafness of one ear and severe of the other.	15 20 22	9555	11, 25 15, 00 16, 50 18, 75
Loss of thumb Loss of thumb and metacarpel bone	12 15	(0)	9.00 11.25	Deafness of both ears existing in a degree nearly total		(1)	20.25

Degree of deafness listed above will be determined as follows:

Slight deafness of one ear—inability to hear ordinary conversation at 6 feet.

Severe deafness of one ear—inability to hear loud conversation at 3 feet.

Nearly total deafness of one ear—inability to hear the loudest distinct conversation at 1 foot.

Total deafness of one ear—inability to hear the loudest conversation.

From June 1, 1944, the rate under Pub. Law 469, 78th Cong., is determined by ascertaining the rate under § 4.2062 (b) based upon the evaluation of the disability as provided thereby, computing 15 per-centum of this amount, and adding this to the rates specified in § 4.2062 (b).

(b) Disability not specified or fixed by or pursuant to law. Disability resulting from disease or injury not covered by the foregoing table will be evaluated on the basis of the average impairment of earning capacity, in accordance with the following table of rates:

•	Ratesunder the "general law" as amended and reenacted by Pub. No. 269, 74th Cong.	Ratesunder Pub. Law 493, 78th Cong.	Adjusted mics under the "general law" as amended from the first series of the first se		Rotesunder the "general Law" as amended and remacted by Pub. No. 229, 74th Cong.	Ratesunder Pub. Low 429, 73th Cong.	Adjusted rates under the general law as amended and recucted by Pub. No. 141, 73d Cong. Not applicable after 8-12-23.
No percent	\$6 8 10 12	\$3,60 9,20 11,79 13,80	6.63	35 percent or more but less than 69 percent. 69 percent or more, but less than 75 percent 75 percent or more but less than total. Total (169 percent)	\$14 17 24 20	\$16.10 19.53 27.60 34.50	\$10,50 12,75 13,00 22,50

The general law rates are not increased by Public Law 659, 79th Congress.

#### (Pub. Law 469, 78th Cong.)

§ 4.2063 Combination—(a) Combination of nonspecific general law rates. These rates may be combined by the process of addition of the monetary equivalents, but no payments may be made on a combination in excess of \$19.55 monthly under Public Law 469, 78th Congress, unless the rate over \$19.55 can be considered as analogous to a specific condition or to total incapacitation. Should the addition of two or more monetary equivalents result in a rate not specified above, the next higher will be paid provided the result equals or exceeds the mean of two rates.

#### (Pub. Law 469, 78th Cong.)

§ 4.2064 Aggravation. Mere aggravation in the service of a pre-existing disease is not compensable.

\*

### (Pub. Law 494, 79th Cong.)

§ 4.2067 Section 30, Public No. 141, 73d Congress, and § 35.01 of this chapter. Canceled August 20, 1947.

#### AID AND ATTENDANCE

§ 4.2087 Rates Spanish-American War Philippine Insurrection, and Boxer Rebellion Service. In claims of veterans with Spanish-American War, Philippine Insurrection or Boxer Rebellion service.

as defined in Public No. 2 or Public No. 141, 73d Congress, regulations issued pursuant thereto, the compensation to be awarded will be in accordance with the rates provided in § 35.011 of this chapter, and the Schedule for Rating Disabilities, 1945, or Public No. 269, 74th Congress, as amended, whichever is the greater monetary benefit. (Pub. Law 269, 74th Cong., and Pub. Law 494, 79th Cong.)

§ 4.2088 Rates; peacetime service. In claims of veterans with peacetime service only subsequent to August 12, 1898, the compensation to be awarded will be in accordance with the rates provided in § 35.012 of this chapter, as amended, and the Schedule for Rating Disabilities, 1945. (Pub. Law 494, 79th Cong.)

§ 4.2089 Rates; service prior to April 21, 1898. In claims of veterans with service prior to April 21, 1893, including veterans of the Civil and Indian Wars, the compensation to be awarded will be in accordance with the rates provided in §§ 35.011 and 35.012 of this chapter, dependent upon whether the service was wartime or peacetime, and the Schedule for Rating Disabilities, 1933, or in accordance with the rates provided by the Act of July 14, 1862, as amended (the General law) or in accordance with the rates provided by the various service pension acts, whichever is the greater monetary benefit. (Pub. Law 494, 79th Cong.)

Cross Reverences: For combination with ratings for cervice connected disability, see § 2.1124 of this chapter. For jurisdiction under section 31, Public No. 141, 73d Congress, cection 12, Public No. 866, 76th Congress, and § 35.017 (d), can § 2.1005 of this chapter. For determinations under section 31. Public No. 141, 73d Congress; section 12, Public No. 865, 76th Congress; and § 35.017 (d) of this chapter, see § 2.1245 (b) of this chapter.

#### HEDICAL EXALIBIATIONS

§ 4.2095 Medical examinations—(a) Examinations in original claims for pension or compensation. (See also §§ 2.1076 and 2.1185 of this chapter.) In original claims for pension under Public No. 269, 74th Congress, examination will not be authorized unless the application is accompanied by evidence indicating the presence of a disability permanent in character. Where the application shows the claimant has attained a beneficial age, examination will not be authorized unless the application is accompanied by evidence indicating the claimant may be entitled by reason of disability to a pension in an amount greater than that paid on account of the attained age.

## AWARDS, ALIENDMENTS AND DISCONTINUANCES Original Awards

§ 4.2108 Spanish-American War, Philippine Insurrection, and Boxer Rebellion. Service pension is payable at rates as follows:

Disability '	Act June 5, 1920, 90 days service	Act May 1, 1926, 90 days service or dis- ability discharge	Act June 2, 1930, 90 days service or dis- ability discharge	Act June 2, 1900, 70 days service	Act May 24, 1939, 90 days service or dis- oblity discharge	Act Mor. 1, 1944, 90 days service or dis- ability discharge	Dicability	Act June 6, 1920, 19 days carvice	Act May 1, 1920, 90 days cardis- cardis- ability discharge	Act June 2, 1970, 19 days corviso or dis- ability discharge	Act June 2, 1970, 70 days carvice	Act May 24, 1923, 50 days cervice or dis- ability direhance	Act Mar. 1, 1244, 60 days service or dis- ability discharge
Ho	\$12,00 (14,40) 15,00 (18,00) 18,00 (21,60) 24,00 (28,80) 30,00 (56,00)	25.00 (30.00) 30.00 (36.00) 40.00 (48.00) 50.00	25.80 (31.80) 35.80 (32.80) (33.80 (33.80 (32.80) (72.80	15.00 (18.00) 18.00 (21.00) 24.00 (23.00) (23.00) (20.00) (20.00)	\$100.00	\$74.60	62 Aç: 63	\$12.00 (14.49) 18.00 (21.00) 11.00 (03.00) (03.00)	23.00 (23.00) 43.00 (43.00) 20.00	47.60 (43.60) (0.60) (70.60)	(60,00) 13,00 (70,00) 24,00 (70,00) 20,00	\$00.00	\$75.C0 \$75.C0

The rates shown in parentheses are those authorized by Public Law 611, 79th Congress.

The foregoing rates are subject to the provisions of § 3.1255 of this chapter.

No. 222---3

Where a veteran is furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is furnished with nursing or attendant's service, the award of pension will be the amount authorized by the rating decision or the attainment of beneficial age, exclusive of any additional amount on account of the need of regular aid and attendance. This rate of pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran by the Veterans' Administration. (Pub. Laws 611 and 662, 79th Cong.)

§ 4.2110 Indian War rates. Pension is payable at rates as follows:

Degree of dis- ability	Rates prior to 9-1-37	Rates on and after 9-1-37	Rates from date of claim filed on or after 3-3-44 1
10	\$20.00 25.00 30.00 40.00 50.00	\$20.00 25.00 35.00 45.00 55.00	\$20.00 25.00 35.00 50.00 60.00
Age 62	20.00 30.00 40.00 50.00	25. 00 35. 00 45. 00 55. 00	30, 00 60, 00

<sup>1</sup> For effective date of rate for aid and attendance, see §4.2109.

Subject to the provision that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration. The foregoing rates are subject to the provisions of § 3.1255 of this chapter.

(Pub. Law 662, 79th Cong.)

§ 4.2112 Civil War rates. (a) Pension is payable at rates as follows:

Minimum rate: \$75.00.

Helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person: \$100.00.

Subject to the provision that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration. The foregoing rates are subject to the provisions of § 3.1255 of this chapter.

#### (Pub. Law 662, 79th Cong.)

§ 4.2113 Rates payable for disability. incurred in service prior to April 21, 1898. Veterans of the regular establishment who served prior to April 21, 1898, who incurred disability in such service and who meet the other requirements of the act of July 14, 1862, as amended, are entitled to compensation at the rates provided in § 4.2062 (a) and (b) Effective July 1, 1940, such veterans are entitled to the rates of compensation prescribed by § 35.012 (b) of this chapter, as amended, or § 4.2062 (a) and (b) subject to the right of election. (Pub. Law 494, 79th Cong.)

§ 4.2114 Peacetime service subsequent to April 20, 1898. Paragraphs (a) and (b) are canceled.

The protection afforded by Public No. 788, 74th Congress, will be extended to the claims of veterans who were on March 19, 1933, receiving compensation under the War Risk Insurance Act, as protected by section 602 of the World War Veterans' Act, 1924, as amended, for a disability incurred prior to April 6, 1917, where the veteran was also in the active service on April 6, 1917, or for a disability incurred subsequent to July 2, 1921, where such disability would also have been compensable on March 19, 1933, under the General Law (act of July 14, 1862), by awarding, effective July 1,

1936, seventy-five per centum of the rate payable under the General Law where that benefit is greater than the amount payable under Public No. 2, 73d Congress. In this class of cases a claim for compensation under the War Risk Insurance Act will be accepted for the purpose of awarding the benefits under Public No. 788, 74th Congress, as a claim for compensation under the General Law, and such claims will be forwarded to the director, veterans claims service, central office. (Pub. Law 494, 79th Cong.)

#### Amended, Award

§ 4.2117 Increases (see also §§ 3.1214 of 3.1216 of this chapter) Under the laws providing compensation for persons who served prior to April 21, 1898, the effective date of an award of increased compensation because of increased disability or need of frequent and periodical attendance will be from the date of receipt in the Veterans' Administration of the evidence by which the condition warranting the increase is shown to exist, but not earlier than the date of claim therefor nor prior to the date of enactment of the law upon which the benefit is based. Under the laws reenacted by Public No. 269, 74th Congress, the effective date of an award of increased disability will be from the date of receipt in the Veterans' Administration of the evidence by which the condition warranting the increase is shown to exist, but not earlier than the date of claim therefor nor prior to the date of reenactment of the law upon which the benefit is based; increased pension because of need of regular aid and attendance will be from the date of inception of the requisite condition, as shown by the evidence, or the date of the act authorizing the payment, whichever is the later date. (Pub. Law 494, 769th Cong.)

§ 4.2128 Claim required for transfer from general law rates to service pension rates. In those claims in which compensation was being paid on March 19, 1933, at the rates provided in the act of July 14, 1862, as amended, service pension may be awarded under Public No. 269, 74th Congress, at the rates provided in the act of June 2, 1930, from the date of application but not prior to August 13, 1935. (Pub. Law 494, 79th Cong.)

CROSS REFERENCES: For cases where failure to report for examination shall be considered as an abandonment of a claim for increase, see § 3.1251 (b) of this chapter. For cases where the basic right to entitlement has been barred, see § 3.1214 (c) of this chapter.

§ 4.2130 Decreases and discontinuances. Canceled August 20, 1947.

§ 4.2141 Fiduciary awards. (a) The disability pension or compensation payable to a minor or a person mentally incompetent under the former pension laws, Public No. 2, 73d Congress; Public No. 78, 73d Congress; Public No. 141, 73d Congress; Public No. 269, 74th Congress, or retirement pay, may be paid to the guardian, curator or conservator, if one be appointed, or to the person otherwise legally vested with the care of the claimant or his estate, or when payments have been suspended or withheld from a guardian, to a person having actual custody of the minor or incompetent, in ac-

cordance with the provisions of section 21 of the World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, and section 2, Public Law 144, 78th Congress, and section 1 (B), Public Law 662, 79th Congress, subject to §§ 3.1276, 3.1310, and 3.1315, of this chapter.

\*

(c) The pension due or becoming due any person who is a patient at St. Elizabeths Hospital will be paid to a guardian of such person in accordance with the general practice applicable to the appointment and recognition of guardian. The pension payable under section 1, Public Law 662, 79th Congress, to a veteran who has no wife, child, or dependent parents, and who is a patient at St. Elizabeths Hospital, will be paid through means of an institutional award if there be no guardian, following § 3.1276 of this chapter. Pension payable to dependents of veterans who are patients at St. Elizabeths Hospital will be paid only to a guardian or conservator of such dependent, except that awards now being paid to the superintendent thereof will be continued while such dependent remains a patient.

(Pub. Law 662, 79th Cong.)

CROSS REFERENCE: For institutional awards, see § 3.1276 of this chapter.

#### RESTRICTIONS

-CROSS REFERENCES: For foreign residence, see § 2.1011 of this chapter. For computation of salary, see §§ 3.1228 and 3.1229 of this chapter, For combat injury, see § 2.1067 of this chapter. For explosion of an instrumentality of war, see § 2.1068 of this chapter.

§ 4.2160 Restrictions under § 35.1010 of this chapter Canceled August 20, 1947.

§ 4.2161 Restrictions under special acts. Canceled August 20, 1947.

§ 4.2178 Right of election. Canceled August 20, 1947.

§ 4.2180 Hospital reductions. Canceled August 20, 1947.

CROSS REFERENCE: For right of election, see \$ 3.1302 of this chapter.

§ 4.2181 Reduction of pension for veterans maintained by Veterans' Administration. Reductions in service pension while a veteran is being maintained by the Veterans' Administration as mentioned in §§ 4.2108, 4.2110 and 4.2112, will be continued during furloughs or other temporary absences for periods of less than thirty days, unless discharged without readmission in which event the award will be adjusted, if otherwise in order, effective as of the day the veteran left the institution. (See § 3.1256 of this chapter.) (Pub. Law 662, 79th Cong.)

§ 4.2189 Reduction based upon maintenance in State homes; U. S. Soldiers Home, Washington, D. C., and U. S. Naval Home. \* \*

(c) Civil War See § 4.2112.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

August 20, 1947.

[F. R. Doc. 47-10057; Filed, Nov. 12, 1917; 8:50 a. m.]

PART 10-INSURANCE

TOTAL DISABILITY INCOME PROVISIONS

1. Section 10.3496 is amended to read as follows:

§ 10.3496 Application for total disability income provision authorized by The National Service Life Insurance Act of 1940, as amended August 1, 1946. Application for the total disability income provision under National Service Life Insurance, authorized by section 602 (v) of the National Service Life Insurance Act of 1940, as amended August 1, 1946, and the report of physical examination should be on such forms as may be prescribed by the Veterans' Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with a satisfactory report of a physical examination and remittance to cover the first monthly premium will be sufficient as an application for the total disability income provisions. Total disability insurance with benefits at the rate of \$5 per month will be granted for each \$1,000 of National Service Life Insurance in force in full multiples of \$500, but not to exceed the amount of life insurance, other than extended insurance, in force under the policy at the time of the application, upon compliance with the above requirements: Provided, The applicant is in good health: Provided further, That in any case in which the applicant while not totally disabled and prior to January 1, 1950, furnishes proof satisfactory to the Administrator that his inability to furnish proof of good health is the result of an injury or disability actually service incurred between October 8, 1940, and September 2, 1945, both dates inclusive, the requirement of proof of good health shall be waived. (54 Stat. 1008-1014; 38 U.S. C. 801-818, 60 Stat. 781)

2. In § 10.3498, the eighth paragraph is amended to read as follows:

§ 10.3498 Total disability income provision for National Service Life Insurance authorized by The National Service Life Insurance Act of 1940, as amended August 1, 1946. \* \* \*

This provision shall terminate and be of no further force and effect if any premium on the policy or on this provision be not paid when due or within the grace period of thirty-one days thereafter. If a premium be not paid as stipulated then. this provision shall cease and terminate. but may be reinstated upon evidence of good health satisfactory to the Administrator of Veterans' Affairs, and upon payment of the premiums as stated below. In event the applicant for reinstatement while not totally disabled and prior to January 1, 1950, furnishes proof satisfactory to the Administrator that his inability to furnish proof of good health is the result of an injury or disability actually service incurred between October 8, 1940, and September 2, 1945, both dates inclusive, the requirement of proof of good health shall be waived.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.
October 3, 1947.

[F. R. Doc. 47-10059; Filed, Nov. 12, 1947; 8:50 a.m.]

PART 21—ATTORNEYS AND AGENTS: RULES OF PRACTICE; FEES

RECOGNITION OF ORGANIZATIONS, ACCREDITED REPRESENTATIVES, ATTORNEYS, AGENTS, RULES OF PRACTICE AND INFORMATION CONCERNING FEES, PUBLIC NO. 044, 74TH CONGRESS

The following amendments are made to Part 21.

§ 21.5627 Requirements for recognition of accredited representatives. Recognized organizations shall file with the Administration on the prescribed form furnished by the Veterans' Administration the names of any officers whom they desire recognized as accredited representatives thereof and the Veterans' Administration office or offices at which recognition is to be extended in the presentation of claims. In proposing a candidate for recognition as a representative, the organization, through its appropriate officer, shall certify to the following:

(1) That the applicant is a citizen of the United States, of good character and reputation, is qualified by training or experience to assist in the presentation of claims; and that he is a member or employee of the organization.

(2) That he is not employed in any civil or military department or agency of the United States and not a retired member of the Regular Army, Navy, Marine Corps, Coast Guard or Public Health Service.

(3) Whether the applicant is a veteran, and if so, that he was honorably discharged from the active service.

(b) An application received in the central office will be sent to the branch or regional office designated. The deputy administrator or regional manager, as the case may be will secure sufficient facts, by field investigation, if necessary, to justify a determination whether the applicant is qualified. If the deputy administrator or the manager determines that the applicant is qualified, he will issue FL 2-3, Notice to Veteran's Representative of Recognition, sending the original to the applicant, and two copies to central office for notation and forwarding to the organization. If the approval is by the manager of a regional office, an additional copy will be forwarded to the appropriate branch office. In like manner, if approval is by the deputy administrator for the branch office and all regional offices in the branch area, copies will be forwarded to each regional office and two copies to central office. Branch and regional offices will establish intra-office procedures for notification of interested services. A record of accredited representatives will be maintained at each office. If the case is one of doubtful aspect, the entire matter will be referred to the central office, attention of the solicitor, through the appropriate branch office.

(c) Recognition will be canceled at the request of the organization, and the deputy administrator or manager may suspend recognition for cause, sending a report, through channels, to the central office, attention of the solicitor, for final determination. In cases of extraordinary violation involving criminal action, cancelation may be effected immediately by the field office subject to review by central office. Where recognition is canceled or suspended in accordance with the above, notice thereof (FL 2-5, Cancelation of Recognition as Veteran's Representative, or letter of suspension) will be supplied in the same manner, as above stated, with respect to notice of recognition.

§ 21.5630 Attorneys affiliated with organizations. 'The policy of the Veterans' Administration precludes the recognition as an attorney or agent, any person who is an officer or employee, appointive or elective, of any veteran, welfare, or State, county, or municipal organization engaged in assisting claimants in presenting claims before the Veterans' Administration without fee or emolument, except that any person holding such office whose duties do not include actual assistance in the presentation of claims before the Veterans' Administration may be recognized but will be precluded while holding such office from receiving a fee for services rendered as an attorney or agent in the presentation and prosecution of claims for benefits administered by the Veterans' Administration. Furthermore, it is contrary to the policy to permit an attorney or agent to transact claims business from or at an office from or at which a veteran or welfare organization, or an agency of a State or other political subdivision, carries on its work incident to assisting claimants in presenting claims before the Veterans' Administration or to use the stationery of such organization or agency in transacting his claims business.

§ 21.5631 Knowledge of laws. Applicants for recognition as attorneys will be presumed to have such knowledge of the law and regulations as to qualify them to render substantial service and may be recognized by the chief attorney of the regional office in whose area he is engaged in the practice of law if his application shows he meets the requirements of § 21.5632.

§ 21.5632 Character and citizenship. Any person of good moral character and of good repute who is an attorney at law in good standing and a citizen of the United States, or who has declared his intention to become such a citizen, may be recognized, if not prohibited by law, and represent claimants before the Veterans' Administration, by presenting for that privilege, to the manager or to the

deputy administrator, a properly executed application on the form prescribed by the Administrator, VA Form 2-3186, Application for Recognition as Attorney.

§ 21.5633 Agents; requirements for recognition. Any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become such a citizen and who is not engaged in the practice of law, may be recognized as an agent, if not prohibited by law, and represent claimants before the Veterans' Administration by presenting to the Administrator of Veterans' Affairs, Washington, D. C., a properly executed application on the form prescribed by the Administrator, VA Form 3187, Application for Recognition as Agent. Applicants for recognition as agents may be required to prove their fitness to render substantial service by undergoing a written examination testing their knowledge of the laws administered by the Veterans' Administration and regulations promulgated thereunder, as to which separate instructions will be issued.

§ 21.5634 Notification of recognition of attorneys by field stations. When an attorney has been recognized a 3 x 5 card will be prepared showing his name, address and date of recognition. Copies of this card will be forwarded to (a) office of the solicitor, (b) chief attorneys of branch and regional offices within that area, (c) the director, claims service, of the branch office within that area, (d) the adjudication officers of regional offices within that area, and (e) to any other office in which the attorney requests that his recognition be recorded.

§ 21.5635 Suspension and revocation of recognition. Whenever the Administrator of Veterans' Affairs has knowledge or information that an attorney or agent recognized by the Veterans' Administration is or has engaged in unlawful, unprofessional or dishonest practice, or is incompetent, or has violated or refused to comply with the laws, regulations and rules governing his recognition before the Veterans' Administration. or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter or advertisement, the Administrator shall give the accused attorney or agent due notice with a statement of the charge or charges against him, which statement shall be sufficiently specific to permit the accused intelligently to make answer thereto, and shall cite said attorney or agent to show cause within 30 days, which time limit may be extended by the Administrator, why his recognition should not be suspended or revoked. Where deemed proper, the recognition of an attorney or agent may be temporarily suspended without notice, pending action as herein provided.

§ 21.5637 Answer to charges. If an answer, under oath, is filed denying the charges, or so explaining them as to raise an issue thereon, a time and place shall then be set for the taking of testimony. The testimony shall be taken at as convenient a place as possible for both the Government and the defendant and notice shall be served on the defendant informing him of the time and place at

which testimony will be taken for the Government, in order that he may be present and cross-examine the witnesses. Testimony shall be reduced to writing and be signed by the witnesses, unless otherwise stipulated, and may be taken before any officer authorized to administer oaths for general purposes or before any officer or agent of the Veterans' Administration designated for that purpose. After the testimony has been taken, it will be considered; and if the charge or charges be sustained the Administrator will suspend or revoke the recognition of such attorney or agent, or take such other action thereon as the facts war-

§ 21.5638 Acts subjecting recognized attorneys or agents to suspension or revocation. The recognition of any attorney or agent will be subject to suspension or revocation, who knowingly commits or is guilty of any of the following acts, to wit: (a) Presents or prosecutes a fraudulent claim against the United States or the Veterans' Administration; (b) demands or accepts any unlawful compensation for preparing, presenting or prosecuting any claim before the Veterans' Administration or for advice or consultation concerning such a claim; (c) with intent to defraud has in any manner deceived, misled, or threatened any claimant or prospective claimant by word, circular, letter, or advertisement; (d) who, in the presentation or presecution of, or in connection with, any matter or business pending before said Veterans' Administration, has as his associate, or employs as his agent, sub-agent, or correspondent, any person who has been guilty of any of the above-mentioned acts, or who has been denied recognition. or has had his recognition suspended or revoked by the Veterans' Administration, or who himself acts as the associate, agent, subagent, or correspondent of any person; or who is otherwise and in any manner whatever guilty of dishonest or unprofessional conduct.

§ 21.5639 Rules of recognition. No person other than an accredited representative of a recognized organization shall be recognized in the preparation, presentation or prosecution of any claim under statutes administered by the Veterans' Administration, unless he has been recognized as an attorney or agent pursuant to these regulations, except (a) that any person may be recognized for the purpose of a particular claim upon filing with the office where such claim folder is located a proper power of attorney and a statement signed by such person and the claimant that no fee or compensation of whatsoever nature shall be charged or paid for the services rendered, and except (b) in claims for insurance benefits under a contract in which the Government admits liability on the contract, there is no issue or contest as to the designated beneficiary, and it is reasonably apparent that the attorney or agent will not charge a fee. In the first class of cases the attorney should be advised by FL 2-16, Recognition Information to Attorneys and Individuals, regarding the requirements of being recognized in a particular claim or generally. In the latter class of cases a paragraph substantially as follows should be incorporated in the letter acknowledging receipt of the claim:

The evidence submitted by you in connection with the claim for insurance benefits in the instant case has been received and an adjudication of the claim for henefits will be made as expeditionly as possible. It is understood, of course, that you are not entitled to any fee for services performed by you in connection with the preparation and presentation of this claim, inasmuch as you have not been regularly recognized to present claims before the Voterans' Administration by the Administrator of Voterans' Affairs.

§ 21.5645 Willful withholding of application for pension. The willful withholding of an application for pension or evidence by an agent or attorney for any cause shall render the recognition of such agent or attorney liable to suspension or revocation.

§ 21.5649 Supplying Veterans' Administration forms. Attorneys and agents shall not be furnished with supplies of Veterans' Administration forms but will be required to have them printed at their own expense and in strict accordance with the official forms prescribed by the Veterans' Administration. An attorney or agent may insert a power of attorney in his form over claimaint's signature in words substantially as follows: "I hereby appoint

as my attorney to prosecute this claim." The power of attorney in order to be valid must fully comply with § 21.5641. Every attorney, agent, or other person recognized as entitled to present claims before the Veterans' Administration shall submit to the Administrator, in duplicate, copies of all proposed forms and letterheads intended for use in connection with business before the Veterans' Administration and the Veterans' Administration will notify such attorney or agent of its approval or disapproval. The use by an attorney or agent of the characters "U. S.," or the words "United States," as a part of his title or the title of his business shall not be permitted. Agents will not designate themselves as attorneys at any time except in a power of attorney. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not of itself improper, but solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional and will render the recognition of an attorney or agent liable to suspension or revocation.

§21.5651 Solicitation of fees. Attorneys or agents shall not, directly or indirectly, solicit, contract for, charge or receive, or attempt to solicit, contract for, charge or receive, any fee or compensation whatsoever for advice or consultation concerning the laws admin-Istered by the Veterans' Administration and the regulations, rules based thereon, or for service to claimants thereunder, except such fee or compensation as is herein provided, whether a claim has been or is thereafter filed, or no claim is filed for the person in whose behalf such advice or consultation is given or held or service rendered. Any agent or attorney who shall so do shall thereby subject his recognition by the Veterans' Administration to suspension or revocation, and be subject to the applicable penal provisions of the law.

Amount of fees. Except where prohibited by law and except in those cases where the person has been recognized in a particular claim, or has been recognized in an insurance claim without having been regularly recognized as an agent or attorney by the Administrator of Veterans' Affairs, and except in accrued claims and burial claims, a fee of \$10 m an original claim for monetary benefits under the statutes administered by the Veterans' Administration and a fee of \$2 in a claim for increase for such benefits, will be payable to the agent or attorney of record in an allowed claim. In the excepted cases referred to above no fee whatsoever may be paid to or charged by an agent or attorney.

§ 21.5658 Method of payment of fees: At the time of allowance of the claim an award of the attorney's fee, if same is found due, will be made and paid by deduction from the monetary benefit allowed, but only to the attorney or agent of record at the time of allowance. The attorney to be entitled must have been regularly recognized by the Veterans' Administration and in good standing at the time of such award.

(Secs. 201-203, 49 Stat. 2032; 38 U.S.C., Sup., 102-104)

[SEAL] OLIAR N. BRADLEY, General, U. S. Army, Administrator of Veterans' Affairs. JULY 29, 1947.

[F. R. Doc. 47-10055; Filed, Nov. 12, 1947; 8:49 a. m.]

PART 21-ATTORNEYS AND AGENTS: RULES OF PRACTICE; FEES

RECOGNITION OF ORGANIZATIONS, ACCREDITED REPRESENTATIVES, ATTORNEYS, AGENTS, RULES OF PRACTICE AND INFORMATION CON-CERNING FEES, PUBLIC NO. 844, 74TH CON-

Section 21.5627 is amended to read as follows:

§ 21.5627 Requirements for recognition of accredited representatives. Recognized organizations shall file with the Administration on the prescribed form furnished by the Veterans' Administration the names of any officers whom they desire recognized as accredited representatives thereof and the Veterans' Administration office or offices at which recognition is to be extended in the presentation of claims. In proposing a candidate for recognition as a representative, the organization, through its appropriate officer, shall certify to the following:

(1) That the applicant is a citizen of the United States, of good character and reputation; is qualified by training or experience to assist in the presentation of claims; and that he is a member or employee of the organization.

civil or military department or agency of the United States.

(2) That he is not employed in any

(c) Recognition will be canceled at the request of the organization, and the deputy administrator or manager may suspend any recognition for cause, sending a report, through channels, to the central office, attention of the solicitor, for final determination. In cases of extraordinary violation involving criminal action, cancelation may be effected immediately by the field office subject to review by central office. Where recognition is canceled or suspended in accordance with the above, notice thereof (FL 2-5, Cancelation of Recognition as Veteran's Representative, or letter of suspension) will be supplied in the same manner, as above stated, with respect to notice of recognition. .

OMAR N. BRADLEY, [SEAL] General, U.S. Army, Administrator of Veterans' Affairs.

SEPTEMBER 5, 1947.

[F. R. Doc. 47-10056; Filed, Nov. 12, 1947; 8:49 a. m.]

PART 21-ATTORNEYS AND AGENTS: RULES of Practice: Fees

#### MISCELLANEOUS AMENDMENTS

1. Sections 21.5631 and 21.5632 are amended to read as follows:

§ 21.5631 Knowledge of laws. An applicant for recognition as attorney will be presumed to have such knowledge of the law and regulations as to qualify him to render substantial service and may be recognized by the chief attorney of a branch or regional office if his application shows he meets the requirements of § 21.5632. Any duly recognized attorney will, for the purpose of receiving appropriate information in a specific case, be accorded such recognition by central office or any branch or regional office to which he presents a duly certified or attested copy of his notification of recognition as attorney, together with the original or similarly exemplified copy of power of attorney.

§ 21.5632 Character and citizenship. Any person of good moral character and of good repute who is an attorney at law in good standing and a citizen of the United States, or who has declared his intention to become such a citizen, may be recognized if not prohibited by law, and represent claimants before the Veterans' Administration, by presenting for that privilege, to the manager or to the deputy administrator, a properly executed application on the form prescribed by the Administrator, VA Form 2-3186, Application for Recognition as Attorney. Attorneys who are citizens of the Republic of the Philippines may be recognized under similar criteria in the presentation of claims before the Veterans' Administration office in the Philippines.

(49 Stat. 2032; 38 U.S.C., Sup., 102-104)

OMAR N. BRADLEY, General, U. S. Army, Administrator of Veterans' Affairs.

OCTOBER 14, 1947.

[F. R. Doc. 47-10080; Filed, Nov. 12, 1947; 8:50 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

IS. O. 7881

PART 95-CAR SERVICE

MINIMUM REDUCED ON COAL IN CERTAIN IV. & W. CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of November A. D. 1947.

It appearing, that certain large capacity coal cars owned by the Norfolk and Western Railway Company are suitable for carrying coal only when they can be unloaded by a mechanical car dumper, and that such cars are not now being used; in the opinion of the Commission an emergency requiring immediate action exists in the section of the country shown below. It is ordered, that:

(a) Minimum on coal in § 95.786 high-side N&W gondola cars. The min-o imum weight on coal loaded in Norfolk and Western Railway flat bottom highside gondola cars of 180,000-pound capacity, series 100,000 to 101,749, at or near Gary, West Virginia, destined to Carnegie-Illinois Steel Corporation, Gary, Indiana, shall be 60 net tons.

(b) Application. The provisions of this section shall apply only to such carload shipments of coal billed on or after the effective date hereof.

(c) Tariff provisions suspended—announcement required. The operation of Rule I of Norfolk and Western Railway Company tariff I. C. C. 3214-B and supplements thereto and reissues thereof, insofar as it conflicts with the provisions of this section is hereby suspended and the Norfolk and Western Railway Company, or its agent, shall publish, file. and post a supplement to its tariff affected hereby, on not less than 5 days'

notice announcing such suspension.

(d) Effective date. This section shall become effective at 12:01 a. m., November 16, 1947.

(e) Expiration date. This section shall expire at 11:59 p. m., May 31, 1943, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction be served upon the Norfolk and Western Railway Company, and upon the Association of American Railroads, Car Service Division. as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filling it with the Director, Division of the Federal Register. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-(17)).

By the Commission, Division 3.

W. P. BARTEL, [SPALT Secretary.

[P. R. Doc. 47-10040; Filed, Nov. 12, 1947; 8:52 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry
[9 CFR, Part 131]

HANDLING OF ANTI-HOG CHOLERA SERUM AND HOG-CHOLERA VIRUS

CONSIDERATION OF PROPOSED RULES AND REG-ULATIONS TO BE ADOPTED BY CONTROL AGENCY

Pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) approved June 11, 1946, notice is hereby given of a public meeting to be held at the Stevens Hotel, Chicago, Illinois, beginning at 9:30 a. m., c. s. t., December 1, 1947. This meeting is for the purpose of considering the administrative rules and regulations set forth herein, and modification or amendments thereto, as proposed by the Control Agency in accordance with the authority vested in it by the market agreement, as amended, and the marketing order, as amended (9 CFR 131.1 et seq., 12 F R. 5385) regulating the handling of anti-hog-cholera serum and hog-cholera virus, issued by the Secretary of Agriculture under Public Law No. 320, 74th Cong., approved August 24, 1935 (49 Stat. 781, 7 U. S. C. 851 et seq.)

The proposed rules and regulations are as follows:

§ 131.201 Public information. Unless otherwise provided in the order, or by specific direction of the Control Agency, all price lists, reports, applications, submittals, requests and communications in connection with the order, and rules and dressed to the Control Agency, Office of Executive Secretary, 512 Porter Bldg., Kansas City 2, Missouri.

§ 131.202 Additional classifications.
(a) "Consumers" means that class of buyers who are owners of swine and who are not otherwise classified under the order or these rules and regulations.
(b) "Lay-vaccinator" means a person

(b) "Lay-vaccinator" means a person who is not a licensed veterinarian but who is regularly engaged in administering serum and virus for service charges. Such person is classified as a "dealer."

(c) Federal, state, county and municipal government agencies and institutions that are not otherwise classified under the order or these rules and regulations are classified as "dealers."

§ 131.203 Definitions. Terms defined in the order-shall, when used herein, have the same meaning as set forth in the order. In addition, the following terms are defined:

(a) The term "within a definite period of time" as used in § 131.1 (h) means the calendar year immediately preceding the date of application for classification as wholesaler.

(b) The term "specified amounts, ade-

quate in the opinion of the Control Agency" as used in § 131.1 (h) means 15,000,000 cubic centimeters of serum and 1,000,000 cubic centimeters of virus.

(c) The term "time of delivery" as used in § 131.1 (h), and in these regula-

tions means the time when physical possession of the products sold is surrendered by the seller to the buyer or to carrier for and on behalf of the buyer.

(d) The term "Each handler's prices, discounts and terms of sale shall be uniform for all buyers in each classification" as used in § 131.9 of the order, means that each handler's prices, discounts and terms of sale shall apply equally, in the same manner, and at the same rate to each buyer within the same class.

(e) The term "price list" as used in § 131.10, means a list on the form prescribed in the § 131.208 herein containing effective prices, discounts and terms of sale of serum and virus.

§ 131.204 Listing of handlers. The Control Agency shall-furnish the Secretary of Agriculture and each handler with a list of all handlers of serum and virus. Such list shall include all producers and all persons who have been classified as wholesalers by the Control Agency. No person is a wholesaler unless he has been classified as such by the Control Agency and his name appears on the list of handlers as described herein.

§ 131.205 Manner of classifying wholesalers. Any person not presently so classified who desires to be classified as a wholesaler must apply for such classification on a form prescribed by the Control Agency and must prove to the satisfaction of the Control Agency that he performs the functions required by § 131.1 (h) (1) or that he meets the requirements of § 131.1 (h) (2) as further defined by § 131.203 (a) and (b) The form of such application is as follows:

APPLICATION FOR CLASSIFICATION AS A WHOLE-SALER OF ANTI-HOG-CHOLREA SERUM AND HOG-CHOLERA VIRUS

Control Agency Office of Executive Secretary 512 Porter Building Kansas City 2, Missouri

The undersigned applicant herewith applies for classification as a wholesaler pursuant to the approved Marketing Agreement and Order as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus. In support of this application, the following information is respectfully submitted:

1. Name and address of applicant:

Firm name \_\_\_\_\_Address \_\_\_\_

(Street address) (City)

(Zone number) (State)
2. State whether the applicant is an individual, partnership, corporation, or unincorporated exceptation

orated association.

3. State period of time in which the applicant has been engaged in selling serum and

4. What percent of the total cubic centimeters of serum and virus handled by the applicant in the preceding calendar year was sold to dealers as defined in § 131.1 (i) of the approved Marketing Agreement and Order, as amended?

If the applicant has never handled these products, please indicate the percentage which it anticipates selling to dealers during the present calendar year.

5. Dealers referred to in Question 4 include (please check) Veterinarians \_\_\_\_, County

Farm Bureaus \_\_\_\_\_, Drug stores \_\_\_\_\_, Lay-Vaccinators \_\_\_\_\_, U. S. Licensed Stockyards \_\_\_\_\_, Feed Stores \_\_\_\_\_, Hardware Stores \_\_\_\_\_, Other agencies maintaining stock of serum and virus under proper storage for resale to consumers (please list).

- 6. Will the undersigned applicant or any of its officers or employees administer antihog-cholera serum and hog-cholera viruo?
- 7. Will the undersigned applicant employ any persons as its agent to administer anti-hog-cholera serum and hog-cholera virus?
- 8. Is the applicant or any of its officers or employees financially interested directly, or indirectly, in the business of any dealer who buys from it? \_\_\_\_\_\_ If so, in what way, and to what extent? \_\_\_\_\_
- 9. Will the applicant solicit sales to consumers?
- 10. Will the applicant absorb all expenses incidental to the advertising, transportation and selling of serum and virus to other trade groups?
- 12. Describe applicant's equipment for storage and maintenance of stocks of cerum and virus.
- 13. Name the railroad, bus routes, airlines, and other transportation facilities available in the town or city where the applicant is located and state the principal means to be used in distributing serum and virus to dealers.
- 14. Will the applicant regularly purchase and maintain stocks of serum and virus in sufficient quantities to supply dealer demand?
- 15. Did the applicant purchase for delivery within the ealendar year preceding this application fifteen million (15,000,000) cubic centimeters of serum and one million (1,000,000) cubic centimeters of virus?

All further information requested by the Control Agency in consideration of this application will be furnished by the applicant. If this application is approved, the applicant agrees to assume all obligations of a wholesaler, including the payment of assessments which may be levied against it by the Secretary of Agriculture pursuant to the approved Marketing Agreement and Order, as amended.

\_\_\_\_\_Applicant (firm name) \_\_\_\_\_\_\_
Official (signature and title) \_\_\_\_\_\_\_
On this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 10\_\_, before me, \_\_\_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_\_\_

and first being duly sworn upon oath declares that he is an officer or employee of the aforesaid applicant, and that the information set forth herein is shown in the books and records of said applicant and is true and correct as he verily believes.

Notary Public

My Commission expires \_\_\_\_\_

Whenever the Control Agency finds to its satisfaction that the applicant meets the requirements for classification as a wholesaler, the applicant shall be classifled as a wholesaler and his name shall be placed on the list of handlers as a wholesaler. If the Control Agency finds that the applicant does not meet the requirements for classification as a wholesaler it shall so advise the applicant in writing and state its reasons for so finding.

§ 131.206 Deletion of wholesaler from list of handlers. Any person who has been classified as a wholesaler may be deleted from the list of handlers, and lose such classification of wholesaler, if at any time such person (a) requests or authorizes such deletion; (b) sells or transfers to any other person the business of his wholesale establishment, or (c) if the Control Agency finds, upon the basis of evidence satisfactory to it, that such person is no longer performing the functions of or meeting the requirements of a wholesaler as defined in § 131.1 (h) (1) and (2) and further defined in these rules and regulations.

§ 131.207 Notice of deletion from list of handlers. A wholesaler who has not requested or authorized deletion of his name from the list of handlers, or who has not sold the business of his wholesale establishment, shall not be deleted from the list of handlers unless at least ten days prior to the date of each deletion he is notified in writing of the facts or conduct which, in the opinion of the Control Agency, warrants deletion from the list of handlers. An opportunity shall be afforded such person to appear before the Control Agency, or otherwise to submit evidence showing justification or cause why the deletion should not be made. The notice may be sent by registered mail or delivered in person by any officer or employee of the Control Agency at the address appearing on the latest effective price list which such wholesaler filed with the Control Agency.

§ 131.206 Form of price list. All price lists shall be filed\_with the office of the Executive Secretary on the form prescribed herein: Provided, however That handlers filing price lists by telegram, shall confirm the telegram by mailing on the same date the properly signed form of price list as prescribed herein, as follows:

# -----

Form No. R. 2.-Revised-1947. Posted prices:

In accordance with the provisions of the approved Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholers serum and hog-cholera virus, the undersigned files this price list and respectfully represents to the Secretary of Agriculture, the Control Agency and all other handlers that during the period this price list is in effect all serum and virus sold by the undersigned to buyers in the classes named herein will be at the following prices, discounts and terms of sale at time of delivery, it being understood that the term "time of delivery" means the time when physical possession of the products sold is surrendered by the undersigned to the buyer or to a carrier for and on behalf of the buyer.

Consumers—Owners of Swine:
Serum:
Price:
Terms of sale and discounts:
Virus:
Price:
Terms of sale and discounts:
Dealers:
Serum:
Price;
Terms of sale and discounts:

virus:	
Price:	
Terms	of sale and discounts:
Wholesaler	8:
Serum:	
Price:	
Terms	of sale and discounts:
Virus:	
Price:	
	of sale and discounts:

Where prices, terms of cale and discounts are omitted from this list with respect to any of the above classes of buyers, undersigned states that he makes no sales to such classes. P. O. Address

Signed \_\_\_\_\_\_

Prior to the final issuance of rules and regulations by the Control Agency, consideration will also be given to data, views and arguments in connection therewith which may be submitted in writing, in quadruplicate, to the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than December 1, 1947. Also, any interested person may submit data, views, or arguments at the public meeting in the Stevens Hotel, Chicago, Illinois, beginning at 9:30 a. m., c. s. t., December 1, 1947.

Copies of this notice of meeting may be procured from the Control Agency, Office of the Executive Secretary, 512 Porter Building, Kansas City 2, Missouri, or from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

No approval of these proposals has been given by the Secretary.

Dated: November 6, 1947.

[SEAL] CLINTON P. ANDERSON, Secretary of Agriculture.

[F. R. Doc. 47–10038; Filed, Nov. 12, 1947; 8:51 a. m.]

## Production and Marketing Administration

[7 CFR, Ch. IX]

HANDLING OF MILK IN ST. JOSEPH, Mo., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR-KETING AGREEMENT AND PROPOSED ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900:1 et seq.) 11 F. R. 7737, 12 F. R. 1159, 4904)' a public hearing was held at St. Joseph, Missouri, on May 19-22, 1947, pursuant to the notice thereof which was issued on April 17, 1947 (12 F. R. 2574) upon a proposed marketing agreement and proposed order to regulate the handling of milk in the St. Joseph, Missouri, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on October 10, 1947 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, including notice of the opportunity to file exceptions thereto, was published in the Federal Register of October 15, 1947 (12 F. R. 6767).

The material issue on the record was whether an order should be issued to regulate the handling of milk in the St. Joseph, Missouri, marketing area.

Rulings on exceptions. Exceptions were filed by the St. Joseph Milk Producers Association, Inc., to the findings and conclusions of the Acting Assistant Administrator that the record fails to establish the need for an order or marketing agreement to regulate the handling of milk in the St. Joseph, Missouri, marketing area.

In arriving at the findings and conclusions set forth in this decision, these exceptions were carefully considered in conjunction with the record evidence pertaining thereto. The findings and conclusions recommended by the Acting Assistant Administrator have been adopted herein without substantive change and the exceptions with respect thereto are overruled.

Findings and conclusions. Upon the basis of the evidence adduced at such liearing it is hereby found and concluded that an order should not be issued and a marketing agreement should not be entered into to regulate the handling of milk in the St. Joseph, Missouri, marketing area.

The record does not evidence marketing conditions which are persuasive of a need for the institution of regulation under the Agricultural Marketing Agreement Act of 1937, as amended. The record shows that returns are currently prorated to all producers by means of a market-wide pool operated through the producers' association. The evidence does not substantiate the view that the orderly marketing of milk and its products is being disrupted at the present time, that handlers have failed to properly classify the milk received or that they have improperly weighed or tested producer milk. Likewise the evidence fails to show that the prices received by producers were unreasonable in view of the prevailing economic conditions or were inadequate to insure a sufficient supply of pure and wholesome milk.

In view of the conclusion that the record fails to establish the need for an order or marketing agreement, there appears to be no need for a discussion of the issues relating to the individual provisions of the order which was proposed for this marketing area.

It is hereby ordered that this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 7th day of November 1947.

[SEAL] CLINTON P. ANDERSON, Secretary of Agriculture.

[F. R. Doc. 47-10353; Filed, Nov. 12, 1947; 8:48 a. m.]

#### [7 CFR, Part 730]

NATIONAL MARKETING QUOTA FOR RICE FOR 1948-49 MARKETING YEAR

DETERMINATION TO BE MADE BY SECRETARY OF AGRICULTURE

The rice marketing quota provisions of the Agricultural Adjustment Act of 1938; as amended (7 U.S. C. 1351-1356) require that not later than December 31, 1947, the Secretary of Agriculture proclaim a national marketing quota for rice for the marketing year beginning August 1, 1948, if it appears from the latest available statistics of the Department that the total supply of rice exceeds the normal supply thereof for the current marketing year by more than 10 per centum of such normal supply.

Any person interested in the aforementioned determination and proclamation to be made by the Secretary may submit his views thereon in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than November

Issued at Washington, D. C., this 6th day of November 1947.

[SEAL]

RALPH S. TRIGG, Deputy Administrator.

[F. R. Doc. 47-10037; Filed, Nov. 12, 1947; 8:51 a. m.]

## [7 CFR, Part 942]

HANDLING OF MILK IN NEW ORLEANS, LA., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY AP-PROVED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Cum. Supps. 900.1 et seq., 11 F. R. 7737; 12 F R. 1159, 4904) notice is hereby given of a public hearing to be held in the Monte Leone Hotel, New Orleans, Louisiana, beginning at 10:00 a.m. c. s. t., November 24, 1947, for the purpose of re-ceiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, milk marketing area (12 F. R. 3596). These proposals have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 42) for the New Orleans, Louisiana, milk market-

ing area were proposed by.

1. Dairy Farmers' Cooperative Association, Inc.

2. Handler group A, consisting of:

The Borden Company, Cloverland Dairy Products Co., Inc. Muller's Sanitary Dairy, Brown's Velvet Dairy Products. Gold Seal Creamery. St. Charles Dairy, Inc.

3. Handler group B, consisting of:

Acme Dairy. Aloha Dairy. Azalea Dairy. Little May Dairy. Westside Creamery, Morgan Dairy. Morning Call Dairy. Mullers Sanitary Dairy. Andrew J. Meibaum. Estelle Dairy.

Oakdale Dairy, Producers Creameries. Rosemary Dairy. Rogers Dairy.

The following amendments have been proposed:

By handler group A.

- 1. Amend § 942.4 (b) (2) by deleting the words "ice cream and ice cream mıx."
- 2. Amend § 942.4 (b) (3) by adding the words "ice cream and ice cream mix."
- 3. Amend § 942.4 (d) (1) (iii) by deleting the present language and substituting the following:
- (iii) Skım milk and butterfat when transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such shall be classified as Class I unless all of the following conditions are met: (a) The market administrator is permitted to verify the records of such plant to whom the transfer was made; (b) the receipts of producer milk at the transferring handler's plant are greater than the total sales of Class I and Class II milk by said handler; and (c) milk is received at the transferee's plant from dairy farms who the market administrator determines constitute its regular source of supply. If all the above con-ditions are met, the market administrator shall classify such milk as reported by the handler subject to reclassification upon verification as follows: (1) determine the use of all milk and milk products at the plant to whom transfer was made, and (2) allocate the milk moved by the transferring handler to the highest use remaining after subtracting, in series, beginning with the highest use classification, the receipts of milk direct from producers at the plant to whom transfer was made.
- 4. Amend the provisions of § 942.5 so that the formula prices shall be determined on the basis of the previous month's manufacturing prices instead of the current month's prices as the order now provides.

By the Dairy Farmers' Cooperative Association, Inc..

- 5. Amend the provisions of § 942.5 (b) (1) (i) to increase the constants over the manufactured milk formula used in the determination of Class I prices to \$1.35 per hundredweight.
- 6. Amend the provisions of § 942.5 (c) (1) to increase the constants over the manufactured milk formula used in the determination of Class II prices to \$0.65 per hundredweight.
- 7. Amend the provisions of § 942.5 to provide for the establishment of a floor price of \$5.25 per hundredweight for Class I milk for March through September, 1948 and \$5.69 for October 1948 through February 1949.

By handler Group A.

8. Amend the provisions of § 942.5 (d) (2) by deleting the present language and substituting the following:

(2) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound, less 10 percent, of 92 score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period preceding that in which such butterfat was received.

By the Dairy Farmers' Cooperative Assn., Inc., and Handler Group B:

9. Amend the provisions of § 942.7 and § 942.8 so as to provide for an individualhandler pool, instead of for a marketwide pool.

By handler Group A.

10. Amend the provisions of § 942.9 so that the 4 cents per hundredweight assessment or such lesser amount as the Secretary may from time to time prescribe be applicable only to the skim milk and butterfat disposed of in Class I.

By handler Group B:

11. Make such other changes as may be required to make the entire marketing agreement or order conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing and of the order, now in effect, may be procured from the market administrator, 1421 Carondelet Building, New Orleans, Louisiana, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 6, 1947.

S. R. Newell, Acting Assistant Administrator.

[F. R. Doc. 47-10036; Flied, Nov. 12, 1947; 8:51 a. m.]

#### [P. & S. Docket 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By an order issued on November 19. 1926, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), rates and charges were prescribed for respondents. Various modifications have been ordered from time to time in the rates thus prescribed.

By a petition filed on October 27, 1947, H. C. McKelvie, doing business as Omaha Pure Bred Sales Company, one of the respondents, has requested a modification of the schedule of rates and charges prescribed by the order of November 19, 1926, as modified, to provide for the addition of the following new charge:

AUCTION SELLING SERVICE FOR PURE BRED LIVESTOCK

Commission charge for the auction selling of pure bred livestock, together with the furnishing of service incidental thereto, shall be as follows:

Cattle and calves: 5% of gross selling price.

Swine: 5% of gross selling price.
Sheep and goats: 5% of gross selling price.
Yardage rates of the Union Stock Yard Company, Omaha, Nebraska, and advertising, as requested, at cost, will be in addition to the above commissions.

It appears that public notice should be given to all interested persons of the

request of H. C. McKelvie, doing business as Omaha Pure Bred Sales Company, so as to afford all interested persons, including patrons of the respondents, an opportunity to be heard on the matter, should they so desire.

Therefore, notice is hereby given to the public and to all interested persons of the filing of said petition for modification. All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents.

Done at Washington, D. C., this 6th day of November 1947.

[SEAL] H. E. REED. Director, Livestock: Branch, Production and Marketing Administration.

[F. R. Doc. 47-10052; Filed, Nov. 12, 1947; 8:48 a. m.]

## NOTICES

## CIVIL AERONAUTICS BOARD

[Docket No. SA-154]

ACCIDENT OCCURRING NEAR LAKEVIEW, OREG.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-2978V which occurred near Lakeview, Oreg., on October 28, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, November 13, 1947, at 9:00 a.m. (local time) in the Veterans' Memorial Hall. Klamath Falls, Oreg.

Dated at Washington, D. C., November 10, 1947.

[SEAL]

RUSSELL A. POTTER, Presiding Officer.

[F. R. Doc. 47-10083; Filed, Nov. 12, 1947; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-48, 54-138, 59-70]

EASTERN MINNESOTA POWER CORP. ET AL. SUPPLEMENTAL ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 4th day of November A. D. 1947.

In the matter of Eastern Minnesota Power Corporation, Wisconsin Hydro Electric Company and Manufacturers Trust Company (Respondents) File No. 59-70, Eastern Minnesota Power Corporation, and Wisconsin Hydro Electric Company (Applicants) File Nos. 54-138, and 54-48.

Eastern Minnesota Power Corporation (hereinafter referred to as "Minnesota") a registered holding company, and its subsidiary company, Wisconsin Hydro Electric Company (hereinafter referred to as "Wisconsin"), having filed an application and amendments thereto for approval of a plan pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 (heremafter referred to as "the act") the Commission having instituted proceedings under section 11 (b) (2) of the act with respect to Minnesota, Wisconsin and Manufacturers Trust Company

(hereinafter referred to as "Manufacturers Trust"), to determine what action, if any, is necessary and should be required to be taken by such companies under such section, and such proceedings having been consolidated with the foregoing proceedings under section 11 (e)

The Commission having issued its notice of filing and notice of and order for hearing in said consolidated proceedings, hearings on said Plan having been held. and the record having been completed with respect to the proposed reclassification of Wisconsin's presently outstanding 11,953 shares of preferred stock and 10,-552 shares of common stock into a single class of 132,800 shares of new \$12 par value common stock to be allocated to the existing holders of preferred and common stock on the basis of 119,500 shares (90%) to the preferred stockholders and 13,280 shares (10%) to the common stockholders;

It appearing to the Commission that it is appropriate to grant the request of Wisconsin that the order of the Commission contain the recitals required by Section 1808 of the Internal Revenue Code, as amended, and that application be made by the Commission to an appropriate United States District Court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the Plan relating to the reclassification of the preferred and common stock of Wisconsin into a single class of new common stock and the allocation thereof to the existing holders of preferred and common stock on the basis of 90% to the existing preferred stockholders and 10% to the existing common stockholders:

It further appearing to the Commission that it is appropriate and in the interest of orderly and expeditious administration of the act to separate for decision so much of said Plan as relates to said reclassification of Wisconsin's presently outstanding preferred and common stock into new common stock to be allocated to the existing preferred and common stockholders on the basis of 90%-10%, and none of the participants in these proceedings having objected to the entry by the Commission of such separate order; and

The Commission having been duly advised in the premises, having considered the record herein, and having this day issued its findings and opinion herein, finding that said Plan under section 11 (e) in so far as it provides for the reclassification of the preferred and common stock of Wisconsin into a single class of new common stock to be allocated to the existing holders of preferred and common stock on the basis of 90%-10%. is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

It is ordered, Pursuant to the applicable provisions of the act, that said Plan in so far as it provides for the reclassification of the preferred and common stock of Wisconsin into a single class of new \$12 par value common stock to be allocated to the existing preferred and common stockholders on the basis of 90%-10% be, and the same hereby is, approved and that the declaration filed pursuant to section 7 of the act be, and the same hereby is, permitted to become effective, respectively, subject, however, to the conditions specified in Rule U-24 and further subject to the following terms and conditions:

1. That jurisdiction be, and it hereby is, reserved to the Commission with respect to all fees and commission to be paid with respect to said Plan, to entertain such further proceedings, to make such further findings and to take such further action as it may deem appropriate in connection with said Plan;

2. That jurisdiction be, and the same hereby is, reserved to the Commission to take such further action as it may deem necessary and appropriate to effectuate the provisions of section 11 (b) of the act;

3. That the proposed reclassification of Wisconsin's preferred and common stock into a single class of new common stock to be allocated to the existing preferred and common stockholders on the basis of 90%-10% shall not be consummated until such proposal has been approved by an appropriate United States District Court.

It is further ordered, That the proposed reclassification of Wisconsin's preferred and common stock into a single class of new common stock and the proposed allocation of the new common stock are necessary or appropriate for the integration or simplification of the holding company system of which Wisconsin is a part and is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court, pursuant to the provisions of section 11 (e) and subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of that portion of said Plan which is the subject matter of this order.

By the Commission,

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 47-10031; Filed, Nov. 12, 1947; 8:50 a. m.]

#### [File No. 70-1630]

PUBLIC SERVICE COMPANY OF INDIANA, INC. SUPPLEMENTAL ORDER RELEASING JURISDIC-TION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 5th day of November A. D. 1947.

Public Service Company of Indiana, Inc. ("Public Service") a subsidiary of The Middle West Corporation, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of sections 6 (a) and 7 of the act, with respect to the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of \$15,000,000 principal amount of First Mortgage Bonds, Series G...%, due 1977; and

The Commission having by order dated October 24, 1947, granted said application, as amended, subject to the condition that the proposed issue and sale of said bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, which order may contain such further terms and conditions as may then be deemed appropriate; and

Public Service having filed a further amendment setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to its invitation for competitive bids, the following bids were received:

Bidding group headed by—	Inter- est rate	Price to company (percent of princi- pal amount)	Cost to com- pany	
Halsey, Stuart & Co., Inc Kuhn, Loeb & Co., Harri- man Ripley & Co., Inc Blyth & Co., Inc The First Boston Corp Glore, Forgan & Co	Per- cent 338 338 338 338 338	100.30 100.21 100.186	Percent 3.069553 3.109549 3.114180 3.115416 3.117114	

Said amendment having further set forth that Public Service has accepted the bid of the group headed by Halsey, Stuart & Co., Inc. for the first mortgage bonds as set out above and that such bonds will be offered for sale to the public at a price of 101.625% of the principal amount thereof plus accrued interest resulting in an underwriting spread equal to 0.5451% of the principal amount of the bonds; and

NOTICES

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released and that the application, as amended, be, and the same hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 47-10030; Filed, Nov. 12, 1947; 8:49 a. m.]

[File Nos. 70-1643, 70-1644]

Wisconsin Public Service Corp. and Standard Gas and Electric Co.

SUPPLEMENTAL ORDER RELEASING JURISDIC-TION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of November 1947.

In the matter of Wisconsin Public Service Corporation, File No. 70-1644; Standard Gas and Electric Company, File No. 70-1643.

Wisconsin Public Service Corporation, a public utility company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding, among other things, the issuance and sale at competitive bidding of \$4,000,000 principal amount of \_\_% First Mortgage Bonds due November 1, 1977;

The Commission, by order dated October 24, 1947 having granted said application, as amended, subject to the condition, among others, that the proposed issuance and sale of said Bonds not beconsummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record so completed; and

Wisconsin Public Service Corporation having filed a further amendment setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to its invitation for competitive bids, the following bids were received:

"Name of bidder or representative	Cou- pon rato	Price to company	Annual cest to com- pany
Halsey, Stuart & Co., Inc. The First Beston Corp Blyth & Co., Goldman Sachs & Co., and Solomon Bros. & Hutzler. Glore, Forgan & Co. Shields & Co. Harris, Hall & Co. Kidder, Peabody & Co., and White, Weld & Co., Merrill Lynch, Pierce, Fenner & Beano.	Per- cent 3 31/6 31/6 31/6 31/6 31/6 31/6	102. 02 102. 010 102. 011 102. 011 101. 979 101. 031	Percent 2, 159351 2, 991477 3, 022121 3, 022022 3, 022073 3, 024183 3, 031834 3, 034359

<sup>1</sup> Plus accrued interest from Nov. 1, 1947, to the date of delivery of and payment for the new Bonds.

It being further stated in said amendment that Wisconsin Public Service Corporation has accepted the bid of Halsey, Stuart & Co., Inc. and that the purchaser proposes to offer said Bonds for sale to the public at 100.75% of the principal amount thereof plus accrued interest, resulting in an underwriting spread of 0.54001% of the principal amount of said Bonds: and

The Commission having considered the record as so completed by said amendment and finding that the applicable standards of said act and the rules and regulations promulgated thereunder have been satisfied, and finding no basis for imposing terms and conditions with respect to the price to be paid for said Bonds or the underwriters' spread and the allocation thereof:

It is ordered, Subject to the terms and conditions prescribed by Rule U-24 that the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding pursuant to Rule U-50 be, and it hereby is, released and that said application, as amended, be, and it hereby is, granted, subject, however, to the other reservations of jurisdiction prescribed in the Commission's order of October 24, 1947.

By the Commission.

[SEAL]

ORVAL L. DoBois, Secretary.

[F. R. Doc. 47-10028; Filed, Nov. 12, 1947; 8:49 a. m.]

[File No. 70–1655] CENTRAL MAINE POWER CO.

NOTICE-OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of November A. D. 1947.

Notice is hereby given that Central Maine Power Company ("Central Maine") a public utility subsidiary of New England Public Service Company, a registered holding company, has filed an application, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935. Applicant designates the third sentence of section 6 (b) of the act and

Rule U-50 as applicable to the proposed transactions.

All interested persons are referred to said application, and amendment thereto, which are on file in the offices of this Commission for statement of transactions therein proposed, which are summarized as follows:

Central Maine proposes to issue and sell (a) \$4,000,000 principal amount of First and General Mortgage Bonds of a new series, to be designated as "Series P" under its First and General Mortgage, as amended and supplemented. and (b) 160,000 shares of additional common stock, \$10 par value, at a price per share not less than the par value thereof. The shares of common stock are to be offered to the holders of the company's outstanding 6% preferred stock and common stock in accordance with their preemptive rights. New England Public Service Company, owner of 77.8% of the common stock of Central Maine, has advised the company that it will waive its preemptive rights to subscribe to the additional shares of common stock. The terms of the preemptive rights offering and the period during which such rights may be exercised will be supplied by amendment.

It is proposed that the Series P. Bonds and the additional common stock (subject to the preemptive offer) will be sold at competitive bidding pursuant to Rule U-50. The public offering price of the bonds and common stock, the names of the underwriters, the amounts of their several commitments and the amount of commissions to be paid to the underwriters in each case will be supplied by amendment.

The proceeds from the sale of the bonds and common stock are to be used by Central Maine to (a) pay its outstanding short-term notes; (b) meet the balance of the estimated cash requirements; (c) reimburse the company's treasury for amounts expended in the purchase and construction of property and facilities used in the company's business; and (d) for other corporate purposes.

It is represented by applicant that approval of the Public Utilities Commission of Maine, the State in which Central Maine is organized and doing business, will be obtained with regard to the proposed transactions and that no other State commission has jurisdiction over such transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and that said application shall not be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on said application, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on November 19, 1947 at 10:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That any person desiring to be heard or otherwise wish-

ing to participate in these proceedings shall file with the Secretary of this Commission, on or before November 17, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issue and sale of the Series P Bonds and common stock by Central Maine are solely for the purpose of financing the business of the Company and have been expressly authorized by the state commission of the State in which the company is organized and doing business.

2. Whether the supplemental indenture securing the proposed Series P Bonds of Central Maine contain adequate protective provisions for the benefit of security holders.

3. Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to accepted accounting principles.

4. Whether the fees, commissions and other remunerations to be paid in connection with the proposed transactions are reasonable.

5. Whether, in the event that the exemption provided by section 6 (b) is granted, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms or conditions in connection with the proposed issuance of the Series P Bonds and common stock, and if so, what terms and conditions should be imposed.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Central Maine Power Company, Public Utilities Commission of Maine and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by publication of this notice and order in the Federal Register and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 47-10033; Filed, Nov. 12, 1947; 8:50 a. m.]

[File No. 70-1662]

APPALACHIAM ELECTRIC POWER CO. AND AMERICAM GAS AND ELECTRIC CO.

NOTICE OF FILING AND NOTICE OF AND

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November A. D. 1947.

Notice is hereby given that American Gas and Electric Company ("American Gas") a registered holding company, and its electric utility subsidiary. Appalachian Electric Power Company ("Appalachian"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (b) 7, 10 and 12 (c) of the act and Rules U-42 and U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$28,000,000 principal amount of First Mortgage Bonds \_\_ % Series due 1977 to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of December 1, 1940, as supplemented by a First Supplemental Indenture to be dated as of November 39. 1947. The coupon rate, which shall be expressed in multiples of 1% of 1%, and the price to be paid Appalachian, which shall not be less than 100 and shall not exceed 102%, will be determined by competitive bidding.

Appalachian proposes to issue and sell 75,000 shares of \_\_% Cumulative Preferred Stock, par value \$100 per share (herein called "New Preferred") Pursuant to Appalachian's Articles of Assoclation it will offer the shares of New Preferred for a 10-day period to the holders of its outstanding 41/2% Cumulative Preferred Stock (herein called "Preferred Stock") of record on a date at least 10 days prior to the first day of the subscription period. Such offering will be on the basis of one share of New Preferred for each four shares of its presently outstanding Preferred Stock held on the record date, at a price to be determined by the Board of Directors of Appalachian. Holders of the Preferred Stock will receive subscription forms with respect to full share lots of the New Preferred. In lieu of issuing fractional shares of the New Preferred, subscription orders will be sent to such of the holders of the Preferred Stock who own a number of shares which is not divisible by four, giving each such holder the right with respect to such fractional interest, to subscribe for one full share of the New Preferred if available at the termination of the subscription period. Appalachian requests an exemption from the competitive bidding requirements of Rule U-50 with respect to the purchase and sale of the unsubscribed shares of the New Preferred Stock, and proposes,

NOTICES 7408

if such exemption is granted, to negotiate with underwriters for the purchase and sale of such number of shares of New Preferred as may not be subscribed and paid for pursuant to Appalachian's offering to its present preferred stockholders.

Appalachian proposes further to issue and sell 30,023 shares of its common stock without par value (being the balance of the authorized and unissued shares of said common stock) to American Gas for \$10,000,000 in cash.

Appalachian states that it will use the proceeds from the sales of the bonds and common stock as follows: (a) To repay its presently outstanding bank loans in the aggregate principal amount of \$5,000,000 due December 31, 1950, without payment of premium; (b) to redeem on July 1, 1949 the outstanding Appalachian Power Company 6% Gold Debentures Series A due 2024 in the aggregate principal amount of \$3,335,100 at 110% of the principal amount; (c) to deposit with the corporate trustee under the mortgage securing its first mortgage bonds \$15,000,000 which may be withdrawn, used or applied by Appalachian in accordance with the terms of said mortgage. The remaining proceeds, together with the proceeds from the sale of the New Preferred, will be added to Appalachian's treasury funds to be used for extensions, additions and improvements of its properties and for other corporate purposes.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further or-

der of this Commission:

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on November 17, 1947 at 10:00 a.m., e. s. t., at the offices of the Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission on or before November 14, 1947 a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen Mac-Cullen or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to'a hearing officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the application-declaration and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

- 1. Whether the proposed issuances and sales of securities are solely for the purpose of financing the business of Appalachian and have been expressly authorized by the State Commission of the State in which Appalachian is organized, and the States in which it is doing busi-
- 2. Whether the bonds and preferred stock proposed to be issued by Appalachian are reasonably adapted to the security structure of Appalachian and to its earning power, and whether the financing by the issuance and sale of such bonds and preferred stock is necessary or appropriate to the economical and efficient operation of the business in which Appalachian is engaged.

3. Whether the terms and conditions of the issuances and sales of the securities of Appalachian are detrimental to the public interest or the interest of investors or consumers.

4. Whether generally the terms and conditions of the proposed subscription offering of the New Preferred to the holders of the Preferred Stock of Appalachian are fair and reasonable and in the public interest and in the interest of investors and consumers.

- 5. Whether the requested exemption from the competitive bidding requirements of Rule U-50 with respect to the purchase and sale of the unsubscribed shares of the New Preferred should be granted, and whether any terms and conditions should be imposed in the public interest or for the protection of investors or consumers should such exemption be granted.
- 6. Whether the proposed acquisitions and retirement of securities meet the applicable standards of the act, particularly
- sections 9 (a) 10 and 12 thereof.
  7. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are reasonable.
- 8. Whether the proposed accounting treatment with respect to the proposed transactions is proper and in conformity with sound accounting principles.
- 9. Generally whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.,
- 10. Whether in the event that the application-declaration shall be granted and permitted to become effective, it is necessary or appropriate to impose any terms or conditions to assure compliance with the standards of the act, or in the public interest, or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission serve a copy of this order by registered mail to the State Corporation Commission of Virginia, the Tennessee Railroad and Public Utilities Commission, the Public Service Commission of West Virginia, and on the applicants-declarants herein; and that notice of said hearing shall be given to all other persons by general release of this Com-

mission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

JF. R. Doc. 47-10032; Filed, Nov. 12, 1047; 8:50 a. m.]

[File No. 70-1667]

ELECTRIC POWER & LIGHT CORP. AND NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 5th day of November A. D. 1947.

Notice is hereby given that a joint application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, New Orleans Public Service, Inc. ("New Orleans") Applicants-declarants designate sections 6 (b) 7, 9 (a) 10, 12 (c) and 12 (f) of the act, and Rule U-43 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 20, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application and declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should addressed as follows: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after November 20, 1947, such joint application and declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application and declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

New Orleans proposes to issue and sell 199.642 shares of its common stock without nominal or par value at \$25.00 per share, which is the amount at which New Orleans carries its presently outstanding common stock on its books. New Orleans proposes to offer such common stock, in the ratio of .265 shares for each share held, on a pro-rata basis to the holders of its common stock of record as of a date to be determined by the company's Board of Directors. Subscription warrants, expiring approximately 20 days after their issuance date, will be issued to all present holders of New Orleans common stock. Rights evidenced by subscription warrants may be assigned by the holder thereof through a broker, or otherwise, but may not be assigned or sold to any dealer who takes the rights for the purpose of exercise and resale of the stock certificates obtainable by the exercise of such rights. Warrants in respect of fractions of a share will be issued, but subscriptions will be accepted only for warrants aggregating one or more full shares of stock. New Orleans proposes to appoint the transfer agent for its common stock the transfer agent for the subscription warrants. Such transfer agent will be instructed by the company to exercise his best efforts on behalf of holders of fractional subscription warrants and at the request of such holders to dispose of such fractional warrants or acquire additional fractional warrants in order to enable such holders to obtain sufficient warrants to subscribe for full shares, such service to be performed by the transfer agent at the expense of New Orleans.

All warrants which shall not have been exercised on or prior to the date of determination of the rights offering will expire, and all rights to subscribe to shares evidenced by such warrants will thereupon terminate.

Electric, as the holder of 716,737 shares (95.1%) of New Orleans' outstanding common stock proposes to purchase, pursuant to the above offer, 189,935 shares, the number of full shares to which it will be entitled pursuant to the rights offering.

New Orleans states that the proceeds from the sale of the common stock proposed to be issued will be used for the construction of additions and betterments to its property and for general corporate purposes.

The application-declaration states that the proposed issuance and sale of New Orleans common stock as above described has been expressly authorized by the Commission Council of the City of New Orleans, the only regulatory agency created pursuant to State law which has jurisdiction over the transaction.

Applicants and declarants request that the Commission's order granting the application and permitting the declaration to become effective be issued as soon as may be practicable and that it be effective forthwith upon the issuance of such order.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F, R. Doc. 47-10029; Filed, Nov. 12, 1947; 8:49 a. m.]

# DEPARTMENT OF JUSTICE Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9898] Florence W. Sargent

In re: Estate of Florence W. Sargent, deceased. File No. D-28-10589 G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen von Karajan and Alma von Karajan, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$922.95 was paid to the Attorney General of the United States by the Union & New Haven Trust Company, Administrator, C. T. A., of the Estate of Florence W. Sargent, deceased;

3. That the said sum of \$922.95 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on July 15, 1947, pursuant to the Trading with the Enemy Act, as amended. The terms "national" and "designated

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Dec. 47-10047; Filed, Nov. 12, 1947; 8:50 a. m.]

[Vesting Order 9932] FRANCIS EMMERICH

In re: Estate of Francis Emmerich, deceased. File D-28-9880; E. T. sec. 13961.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Emmerich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the sum of \$441.50 was paid to the Alien Property Custodian by the Rev. Joseph Brogger and the Rev. William Viesnoraitis, co-executors of the estate of Francis Emmerich, deceased;

3. That the said sum of \$441.50 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc protunc to confirm the vesting of the said property in the Allen Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[P. R. Doc. 47-10048; Filed, Nov. 12, 1947; 8:50 a.m.]

[Vesting Order 10046] JOSEPH HAUK ET AL.

In re: Bonds owned by and debt owng to Joseph Hauk, Wilhelm Hauk, Gertrude Hauk Wurma and Anni Hauk. D-28-11986-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Hauk, Wilhelm Hauk, Gertrude Hauk Wurma and Anni Hauk, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. Three (3) United States Treasury 2½% Bonds of 1967/72, each of \$1000 face value, bearing the numbers 1767 H, 1768 and 1769 K, dated November 15, 1945, and presently in the custody of Maude G. Schleier, 1705 Missour, Street, Houston 6, Texas, together with any and all rights thereunder and thereto.

b. Three (3) United States Savings Bonds, Series E, dated May 1, 1945, due May 1, 1955, of \$100 maturity value, bearing the numbers C-95163897-E, C-95163898-E and C-95163899-E, registered in the names of Maude G. Schleier or William M. Schleier, Maude G. Schleier, or Richard L. Schleier, and Maude G. Schleier or Robert G. Schleier, respectively, and presently in the custody of Maude G. Schleier, 1705 Missouri Street, Houston 6, Texas, together with any and all rights thereunder and thereto.

c. Three (3) United States Savings Bonds, Series E, dated December 1, 1945, due December 1, 1955 of \$200 maturity value, bearing the numbers R-355192-E, R-355193-E and R-355194-E, registered in the name of Maude G. Schleier or William M. Schleier, Jr., Maude G. Schleier, or Richard L. Schleier and Maude G. Schleier or Robert G. Schleier, respectively, and presently in the custody of Maude G. Schleier, 1705 Missouri Street, Houston 6, Texas, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation of Maude G. Schleier, 1705 Missouri Street, Houston 6, Texas, in the amount of \$245 as of June 18, 1947, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Hauk, Wilhelm Hauk, Gertrude Hauk Wurma and Anni Hauk, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended. Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F.\_R. Doc. 47-10049; Filed, Nov. 12, 1947; 8:50 a.m.]

## [Vesting Order 10048] LUDWIG HESS

In re: Debt owing to Ludwig Hess. F-28-13687-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Hess, whose last known address is Mannheim/Baden, (17a) Luidenring 47, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation of the Fireside Building and Loan Association in Voluntary Liquidation, 52 Overlook Terrace, Nutley 10, New Jersey, evidenced by a liquidating certificate, bearing the number 53, said certificate issued in exchange for original income share certificate, numbered 92 and registered in the name of Ludwig Hess, together with any and all accruals and any and all rights to demand, enforce and collect the aforesaid debt,

b. Those certain debts or other obligations evidenced by five (5) checks drawn by the Fireside Building and Loan Association in Voluntary Liquidation, 52 Overlook Terrace, Nutley 10, New Jersey, said checks payable to Ludwig Hess, numbered, dated and in the amounts set forth below:

Check No.	Date	Amount
201	4/2/42	\$700
54	8/19/42	900
246	5/1/43	200
442	12/19/44	200
635	11/1/45	200

and presently in the custody of the Fireside Building and Loan Association in Voluntary Liquidation and any and all rights to demand, enforce and collect the aforesaid debt and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid checks, and

c. Those certain debts or other obligations evidenced by two (2) checks drawn by the Fireside Building and Loan Association on the Merchants & Newark Trust Co., Newark, New Jersey, said checks payable to Ludwig Hess, numbered, dated and in the amounts set forth below:

Check No.	Date	Amount
14022	2/19/40	\$40
14697	2/5/41	40

and presently in the custody of the Fireside Building and Loan Association in Voluntary Liquidation, 52 Overlook Terrace, Nutley 10, New Jersey, and any and all rights to demand, enforce and collect the aforesaid debt and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

ISEAL DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–10050; Filed, Nov. 12, 1947; 8:50 a. m.]

#### [Vesting Order 10084]

#### Dr. F. Raschig G. M. E. H.

In re: Interests and rights created in Dr. F. Raschig G. m. b. H., Ludwigshafen-On-Rhein, Germany, by an option agreement dated September 21, 1936, with The Dow Chemical Company, of Midland, Michigan, and information received pursuant to said agreement.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. F. Raschig G. m. b. H., is a

1. That Dr. F. Raschig G. m. b. H., is a business organization organized under the laws of and having its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) All interests and rights (including all damages for the breach of the agreement hereinafter described together with the right to sue therefor) created

in Dr. F. Raschig G. m. b. H., by virtue of an option agreement dated September 21, 1936, by and between Dr. F. Raschig G. m. b. H. and The Dow Chemical Company, which agreement relates, among other things, to United States Letters Patent No. 1,963,761, and

(b) All scientific, technical, economic and patent information received by representatives of The Dow Chemical Company from Dr. F. Raschig G. m. b. H., pursuant to an option agreement dated September 21, 1936, by and between Dr. F. Raschig G. m. b. H. and The Dow Chemical Company, which agreement relates, among other things, to United States Letters Patent No. 1,963,761, as shown by or contained in a report No. 1319 dated February 13, 1937 entitled "Report of Trip to F. M. Raschig Company, Ludwigshafen A. Rhein, Germany to Study Their Synthetic Phenol Process made by M. E. Putnam, W. H. Williams, H. A. Reimers, W. C. Stoesser, N. Poffenberger," written by N. Poffenberger, including any and all drawings, manuscripts, charts, prints, etc., received by The Dow Chemical Company, or any of its representatives, from Dr. F. Raschig G. m. b. H., in connection therewith,

is property of, and is property payable or held with respect to patents or patent rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a designated enemy country (Germany) and is property within the United-States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid national of a designated enemy country.

and it is hereby determined:

3. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 6, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10051; Filed, Nov. 12, 1947; 8:59 a. m.]

[Vesting Order 10004]
WILHELIUME REEMS

In re: Stock owned by Wilhelmine Reens, also known as Wilhelmina Reens. D-28-599-A-1, D-28-599-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Reens, also known as Wilhelmina Reens, whose last known address is Strucklingen, Oldenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Twenty-four (24) shares of \$100 par value capital stock of American Telephone and Telegraph Company, 195 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered UN50715 and UN62182 for twelve (12) shares each, presently in the custody of Engelbert Westerman, Stuyvesant Hotel, Stuyvesant, New York, together with all declared and unpaid dividends thereon, and

b. Forty (40) shares of \$25 par value 5% cumulative preferred capital stock of Louisville Gas and Electric Company, 311 West Chestnut Street, Louisville, Kentucky, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number PO 4463, presently in the custody of Engelbert Westerman, Stuyvesant Hotel, Stuyvesant, New York, together with all declared and unpaid dividends thereon, as evidenced in whole or in part by certain dividend checks in the custody of said Louisville Gas and Electric Company, and together with said dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section -10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.
[F. R. Doc. 47-10019; Filed, Nov. 10, 1947;

8:52 a. m.]

[Vesting Order\_10006] Tokiko Satake et.al.

In re: Debt owing to Tokiko Satake and debt owing to Kantaro Inouye and Tome Inouye. F-39-6062-E-1, F-39-6074-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokiko Satake, Kantaro Inouye and Tome Inouye, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan).

2. That the property described as follows: That certain debt or other obligation owing to Tokiko Satake by The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, % State Banking Department, 111 Sutter Street, San Francisco, California, arising out of fixed deposit certificate No. 67161, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tokiko Satake, the aforesaid national of a designated enemy country (Japan)

3. That the property described as follows: That certain debt or other obligation owing to Kantaro Inouye and Tome Inouye by The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, % State Banking Department, 111 Sutter Street, San Francisco, California, arising out fixed deposit certificate No. 67738, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kantaro Inouye and Tome Inouye, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

7412 NOTICES

nationals of a designated enemy country

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at-Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10020; Filed, Nov. 10, 1947; 8:52 a. m.]